



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

LP-7J

FEDEXPRESS MAIL- Receipt #827436013103

June 23, 2008

Beech Grove Public Library
Attn: Librarian
1102 Main Street
Beech Grove, Indiana 46107

US EPA RECORDS CENTER REGION 5



1002784

RE: Draft Corrective Measures Decision
Refined Metals Corporation
Beech Grove, Indiana

Dear Mr./Mrs.:

The United States Environmental Protection Agency (U.S. EPA) proposes to issue a draft Corrective Measures Decision under the Resource Conservation and Recovery Act (RCRA) to Refined Metals Corporation in Beech Grove, Indiana. A public notice will be published in the Southside Times Newspaper on June 26, 2008. The public comment period begins on June 27, 2008, and ends on August 11, 2008, during which time the U.S. EPA will accept public comments on the draft decision.

Please make this letter and the enclosed documents as well as documents already on file at the library, available to the public for at least 45 days. The following documents are enclosed:

- Public Notice of the U.S. EPA action; and,
- Fact Sheet,
- Statement of Basis for the Corrective Measures decision,
- Administrative Record including Index.

After August 11, 2008 (ending of comment period) please mail us back the documents enclosed please find a return paid FED EXPRESS receipt #827436013114. Thank you for your assistance. If you have any questions, please contact me at (312) 886-6141.

Sincerely,

Martha Y. Robinson
Environmental Specialist

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 W. Jackson Blvd.
Chicago, IL 60604

Land and Chemicals Division

Correspondence for Remediation and Reuse Branch Chief's Signature

**Subject: PROPOSED STATEMENT OF BASIS FOR
The REFINED METALS CORPORATION
BEECHGROVE, INDIANA**

TO:	Initials	Date
1. Author: Jonathan Adenuga	JOA	2-28-08
2. Assistant:		
3. Section Chief: George Hamper	GH	2-28-08
4. LaDawn Whitehead		
5. Asst. Reg. Counsel: Monesh Chabria	MC <i>Comments incorporated</i>	5-8-08
6. Chief, ORC Section: C. Puchalski	CP	5-9-08
7. Jose G. Cisneros, Chief Remediation and Reuse Branch	JGC <i>and cc me</i>	5/12/08

Comments:

VERIFICATION OF RECEIPT OF PUBLIC REVIEW MATERIALS

FED EXPRESS MAIL #827436013103
RETURN RECEIPT REQUESTED

NAME OF LIBRARY, CONTACT PERSON AND LOCATION:

Beech Grove Public Library
1102 Main Street
Beech Grove, Indiana 46107

FACILITY NAME, LOCATION AND IDENTIFICATION NUMBER:

Draft Corrective Measures Decision
Refined Metals Corporation
Beech Grove, Indiana

MATERIALS ENCLOSED (RECEIVED):

1. PUBLIC NOTICE
2. FACT SHEET
3. STATEMENT OF BASIS
4. ADMINISTRATIVE RECORD INCLUDING INDEX.

CONCURRENCE

DATE RECEIVED BY DATE THE LIBRARY:

DATE AVAILABLE TO PUBLIC: 6/26/08 - 8/11/08 Extended until 10/24/08..

NAME OF RECEIVING PARTY: Michelle Librarian (phone)

POSITION/TITLE OF RECEIVING PARTY: Librarian

SIGNATURE OF RECEIVING PARTY: Obtained via telephone

Return signed copy to:

U.S. EPA, Region 5,
77 West Jackson Blvd., (LP-7J)
Chicago, Illinois 60604,
Attn: Martha Y. Robinson



THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Invite
Public Comment
on the
STATEMENT OF BASIS for
REFINED METALS CORPORATION
BEECH GROVE, INDIANA**

The United States Environmental Protection Agency (U.S. EPA) is managing environmental corrective action at the Refined Metals Corporation facility, located in Beech Grove, Indiana. The corrective action is being performed by Refined Metals Corporation under the authority of the Resource Conservation and Recovery Act (RCRA). The Statement of Basis prepared by U.S. EPA provides a summary of Refined Metals Corporation's investigation of contamination at and from their facility, and a summary of Refined Metals Corporation's study of viable remedies. This Statement of Basis also specifies the remedy proposed by U.S. EPA to clean up contamination at and from the facility.

U.S. EPA is issuing this Statement of Basis as part of its public participation responsibilities under RCRA. The fact sheet summarizes information that can be found in greater detail in the RCRA Facility Investigation (RFI) and Corrective Measures Study (CMS) reports and other site related documents contained in the administrative record for this facility. These documents can be found in the information repository located at:

RCRA Branch (LR-8J)
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, Illinois 60604
Contact: Martha Y. Robinson (312) 886-6141 or
Toll Free Number 1-800-621-8431 Ext: 6-3781
Robinson.Martha@epa.gov

BEECH GROVE PUBLIC Library
1102 Main Street
Beech Grove, IN 46107
Phone: (317) 788-4203

You may also obtain more information on the Internet at:
<http://www.epa.gov/reg5rcra/wptdiv/permits/index.htm>

The public notice regarding the corrective action to be performed will appear in the Southside Times Newspaper – Legal Section on Thursday, June 26, 2008, and a radio announcement will run on WIBC Radio, between 6:00am and 10:00am on June 26, 2008. U.S. EPA will accept and consider public comments on the proposed plan from June 27, 2008 to August 11, 2008.

Written comments can be submitted to the U.S. EPA at the address listed below no later than August 11, 2008.

Written comments can be sent to:

Mr. Jonathan Adenuga
U.S. Environmental Protection Agency
77 West Jackson Boulevard, DE-9J
Chicago, Illinois 60604
call toll free (800) 621-8431
or directly (312) 886-7954



June, 2008

FACT SHEET

Environmental Corrective Action for The Refined Metals Corporation in Beech Grove, Indiana.

BACKGROUND INFORMATION

Refined Metals Corporation is performing environmental corrective action at its facility in Beech Grove, Indiana. The corrective action is being performed under the authority of the Resource Conservation and Recovery Act (RCRA). The Statement of Basis prepared by U.S. EPA provides a summary of Refined Metals Corporation's investigation defining the nature and extent of contamination at and from its facility, and a summary of refined Metals Corporation's study of viable remedies. This Statement of Basis also specifies the remedy proposed by U.S. EPA to clean up contamination at and from the facility.

SITE FEATURES

The RMC facility is located at 3700 South Arlington Avenue in Marion County, Beech Grove, Indiana, approximately four miles south-southeast of downtown Indianapolis (Figure 3-2). The site occupies approximately 24 acres, of which approximately 10 acres represented the active manufacturing area (including paved areas and buildings). The remaining 14 acres includes grassed and wooded site areas. The configuration of the site is triangular, bounded by Arlington Avenue (oriented in a north to south direction representing the hypotenuse), Big Four Road (along the base), and the common property line with a natural gas company forming the third side. The former manufacturing area is characterized by nearly 80,000 square feet of structures consisting of the battery breaker, a wastewater treatment plant, a filter press, material storage areas, a blast furnace, a dust furnace, a metal refining area, a warehouse and offices. In addition, there are four baghouses, a vehicle maintenance structure, and five stormwater pump houses.

The site was reportedly undeveloped woodlands until 1968. In 1968, the property was developed as a secondary lead smelter by National Lead. National Lead operated the facility from 1968 through 1980, when it was sold to Exide Corporation. In 1985, the site was purchased from Exide Corporation by RMC. RMC continued to operate the facility until the cessation of operations on December 31, 1995. From April 14, 1995 through December 31, 1995, operations were reduced to enriching and casting lead ingots from off-specification lead products. Since

1996, no operations have taken place at the facility except for operation of the wastewater treatment facility, which is still used to treat stormwater runoff from the former manufacturing areas. Soil and groundwater in several areas at the facility are contaminated at levels above appropriately protective risk-based screening thresholds. Offsite contamination has also been reported north of the facility and in a drainage ditch east of the facility and at the Citizen's Gas Property west of the facility.

NATURE AND EXTENT OF CONTAMINATION

Following the conclusion of the facility investigations, high levels of arsenic and lead were detected in the onsite soils and in the groundwater beneath the site. Samples of soil, sediments and groundwater were analyzed for other metals, but only lead and arsenic concentrations exceeded risk-based threshold criteria. Therefore, lead and arsenic were identified as contaminants of interest at the RMC facility.

REMEDIES PROPOSED BY U.S. EPA

Proposed remedies consist of 3 remedial alternatives. The first alternative includes excavation of highly contaminated soils and sediments, demolition of the Material Storage building, the Battery Breaker Unit, the Filter Press building, the Waste Water treatment building and placement of institutional control on the facility. The second alternative includes the incorporation of the excavated soils and sediments and materials from the demolition in an on-site cell. The third alternative is Monitored Natural Attenuation which includes implementation of a Groundwater Performance Monitoring program to demonstrate the stabilization and long-term shrinkage of the contaminant plume.

INFORMATION REPOSITORY

Beech Grove Public Library
1102 Main Street
Beech Grove, IN 46107
(317) 788-4203

and

U.S. EPA, Region 5
Land and Chemicals Division, Record Center
77 West Jackson Boulevard, 7th Floor
Chicago, Illinois 60604
Contact: Martha Y. Robinson at (312) 886-6141 or
Toll Free Number 1-800-621-8431 Ext: 6-3781
Hours: Non-Fri, 8a.m. - 4p.m.

You may also obtain more information on the Internet at:
<http://www.epa.gov/reg5rcra/wptdiv/permits/index.htm>

A public notice will appear in the Southside Times Newspaper – Legal Section on Thursday, June 26, 2008, and a radio announcement will run on WIBC Radio, between 6:00am and 10:00am on June 26, 2008. Comments on this proposed action may be submitted to the addresses listed below, no later than August 11, 2008.

The Statement of Basis is presented to the public for review and comment. You may send written comments no later than August 11, 2008 to:

Mr. Jonathan Adenuga
U.S. Environmental Protection Agency
77 West Jackson Boulevard, DE-9J
Chicago, Illinois 60604
call toll free (800) 621-8431
or directly (312) 886-7954

You can also send written comments or request information on the Proposed Remedy to:

Ms. Martha Y. Robinson
Environmental Specialist
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (LP-7J)
Chicago, Illinois 60604-3590
(312) 886-6141
E-mail: robinson.martha@epa.gov

Index to the Administrative Record

U.S. EPA Proposed Corrective Measures for REFINED METALS Corporation in BEECH GROVE, INDIANA IND 000 718 130

<u>Document No.</u>	<u>Date</u>	<u>Description/Author</u>
001	06/2008	Proposed Statement of Basis
002	03/2000	Phase I RFI Report
003	11/2002	Phase II RFI Report
004	12/2000	RFI Work plan
005	05/2005	Phase I Corrective Measures Study Report Sediment/surface
006	08/2007	Phase II corrective Measures Study Report
007	02/1995	Pictures of the facility
008	12/1988	3008(h) Order
009	8/2004	Groundwater sampling and Analysis plan
010	8/2005	Draft Statement of Basis
009	10/2002	CA 725 Environmental Indicator Determination
011	03/2004	CA 750 Environmental Indicator Determination
012		RFI Correspondence File (Misc.)
013		CMS Correspondence File (Misc.)
014		Miscellaneous Monthly Progress Report.

D R A F T

STATEMENT OF BASIS For Refined Metals Corporation IND 000 718 130 Beech Grove, Indiana

**Refined Metals Corporation
Beech Grove, Indiana**

INTRODUCTION

This Statement of Basis (SB) for the Refined Metals Corporation (RMC) facility in Beech Grove, Indiana, explains the proposed remedy for the collection, treatment, and removal of hazardous waste from the facility, the adjacent Citizens Gas Coke Company west of the facility, and the drainage ditch north of the facility. In addition, the SB includes summaries of all corrective measure alternatives analyzed by RMC. U.S. EPA will select a final remedy for the facility only after the public comment period has ended and the information provided by the public during this period has been reviewed and substantive comments considered.

U.S. EPA is issuing this SB as part of its public participation responsibilities under the Resource Conservation and Recovery Act (RCRA) and consistent with the August 31, 1998, Consent Decree entered in the matter of United States v. Refined Metals Corporation, U.S. District Court for the Southern District of Indiana, Civil Action No. IP902077C, (Consent Decree). This document summarizes information that can be found in greater detail in the March 29, 2000, Phase I and November 18, 2002 Phase II RFI reports and August 6, 2007 CMS Report and other pertinent documents contained in the Administrative Record for this facility. U.S. EPA encourages the public to review these documents in order to gain a more comprehensive understanding of the facility and the RCRA activities that have been conducted. The public can be involved in the remedy selection process by reviewing the documents contained in the Administrative Record.

U.S. EPA may modify the proposed remedy or select another remedy based on new information or public comments. Therefore, the public is encouraged to review and comment on **all** alternatives.

After U.S. EPA selects the remedy for this facility, RMC is required under the Consent Decree to implement the remedy beginning with the submission of an implementation plan to U.S. EPA.

PROPOSED REMEDY

SOIL AND SEDIMENTS

Alternative 2. Alternative 2 should be implemented to address lead in onsite soils and sediments, offsite soils along the Arlington Avenue right-of-way, the railroad right-of-way, and the Big Four Road right-of-way. Alternative 2 includes:

- Excavation of the most highly contaminated soils and sediments,
- Demolition of the Material Storage Building, Battery Breaker Building, Filter Press Building, Waste Water Treatment Building and Surface Impoundment, and
- Placement of institutional controls to restrict the use of the property to only commercial/industrial land use.

Alternative 3A. Alternative 3A should be implemented to assure safe and effective long-term management of the excavated soils and sediments as well as debris and rubble generated by Alternative 2. Alternative 3A includes:

- Placement of excavated soils and sediments, as well as the debris and rubble from the building demolition in an onsite Containment Cell,
- Encapsulation of the excavated soils and sediments beneath an impermeable geomembrane cap covering the entire footprint of the Containment Cell and a vegetative cover above the geomembrane,
- Establishment of long-term operation, maintenance and groundwater monitoring of the Containment Cell including existing monitoring wells and
- Placement of institutional controls on the Containment Cell to prevent any disturbance, excavation or other activity that might result in a release of any materials contained in the cell.

Alternative 4. Alternative 4 should be implemented to manage any excavated soils and sediments as well as any demolition debris or rubble that are not safely managed in the onsite containment cell. Alternative 4 includes:

- Shipment of these materials offsite to another facility for recycling or disposal in accordance with all applicable Federal, State and local regulations.

GROUNDWATER

Alternative 2. Alternative 2 should be implemented to prevent human consumption of groundwater at the facility. Alternative 2 includes the placement of a deed restriction preventing the installation of potable groundwater wells at the facility.

Alternative 4 - Monitored Natural Attenuation (MNA). Monitored Natural Attenuation (MNA) is the stabilization and long-term shrinking of a contaminant plume by natural processes such as microbial degradation. A Groundwater Performance Monitoring program should be implemented to assure safe and effective management of contaminated groundwater. The MNA

appropriateness must be demonstrated through the performance monitoring program to show that the contaminant plume has been or can be effectively stabilized

FINANCIAL ASSURANCE

Any remedy selected by U.S. EPA will require that RMC must demonstrate that adequate funds will be available to complete the construction as well as the operation and maintenance of the proposed remedy. Under the Consent Decree, RMC must provide this financial assurance within 90 days after it receives U.S. EPA's selected remedy decision.

FACILITY BACKGROUND

The RMC facility is located at 3700 South Arlington Avenue in Marion County, Beech Grove, Indiana, approximately four miles south-southeast of downtown Indianapolis (Figure 3-2). The site occupies approximately 24 acres, of which approximately 10 acres represented the active manufacturing area (including paved areas and buildings). The remaining 14 acres includes grassed and wooded site areas. The configuration of the site is triangular, bounded by Arlington Avenue (oriented in a north to south direction representing the hypotenuse), Big Four Road (along the base), and the common property line with a natural gas company forming the third side. The northwest end of the triangle is truncated by a railroad right-of-way (Figure 3-1).

The site is relatively flat with less than 10 feet of total relief. Natural site drainage is toward the north and east. The former manufacturing area is characterized by nearly 80,000 square feet of structures consisting of the battery breaker, a wastewater treatment plant, a filter press, material storage areas, a blast furnace, a dust furnace, a metal refining area, a warehouse and offices. In addition, there are four baghouses, a vehicle maintenance structure, and five stormwater pump houses. The site plan is illustrated in Figure 2-2.

The ground surface surrounding the buildings is currently paved (primarily with concrete). Older facility photographs indicate that areas northwest and northeast of the main facility structure were unpaved except for a concrete driveway, which encircled the facility. The paved surface areas are sloped to drain toward catch basins situated around the site. The catch basins in-turn flow to the storm water pump houses that convey collected storm water either directly to the wastewater treatment plant for immediate processing (small storm events) or to a 750,000 gallon storm water and fire control lagoon where it is stored until it can be processed (large storm events). The lagoon was originally lined with concrete. During 1988, the lagoon was cleaned out and the concrete was covered with a geomembrane liner.

The site was reportedly undeveloped woodlands until 1968. In 1968, the property was developed as a secondary lead smelter by National Lead. National Lead operated the facility from 1968 through 1980, when it was sold to Exide Corporation. In 1985, the site was purchased from Exide Corporation by RMC. RMC continued to operate the facility until the cessation of

operations on December 31, 1995. From April 14, 1995 through December 31, 1995, operations were reduced to enriching and casting lead ingots from off-specification lead products. Since 1996, no operations have taken place at the facility except for operation of the wastewater treatment facility, which is still used to treat stormwater runoff from the former manufacturing areas. Soil and groundwater in several areas at the facility are contaminated at levels above appropriately protective risk-based screening thresholds. Offsite contamination has also been reported north of the facility and in a drainage ditch east of the facility and at the Citizen's Gas Property west of the facility.

Samples of soil, sediments and groundwater were analyzed for other metals, but only lead and arsenic concentrations exceeded risk-based threshold criteria. Therefore, lead and arsenic were identified as contaminants of interest at the RMC facility.

CORRECTIVE MEASURES ALREADY IMPLEMENTED

To address the potential for lead containing sediments to be eroded from the drainage ditch along the railroad tracks at the north end of the site and subsequently transported offsite, RMC implemented an interim measure consisting of four check dams and silt fence. Each check dam consists of stone and geotextile placed across the existing ditch and perpendicular to flow direction. The silt fence was installed parallel to the check dams. The implementation of the interim measure will provide a means of intercepting, detaining and controlling runoff which ultimately should prevent sediment from leaving the facility.

SUMMARY OF FACILITY RISKS

Risks from exposure to lead and arsenic are unacceptable for construction workers/redevelopment workers in the main manufacturing area of the facility, and for construction workers/redevelopment workers, groundskeepers, future industrial workers, and for trespassers exposed to soils and sediments in the grassy area of the facility.

Soil and groundwater in several areas at the facility are contaminated at levels above appropriately protective risk-based screening thresholds. In addition, the adjacent Citizen's Gas property and several offsite right-of-ways are contaminated above appropriate protective risk-based screening thresholds. The risk-based screening thresholds used for this determination are 1300 mg/kg of lead in industrial areas, and 400 mg/kg of lead for soil in unrestricted areas. A screening level of 20 mg/kg was used for arsenic in industrial soils, and 3.9 mg/kg in soils in unrestricted areas. The screening thresholds are 42 mg/l of lead and 10 mg/l of arsenic for groundwater.

On-Site Soils in the Former Manufacturing Area

Concentrations of lead in the top thirty inches of soil ranged from 4.7 mg/kg to 475,000 mg/kg. Concentrations of arsenic ranged from 3.9 mg/kg to 1111 mg/kg at this depth.

On-Site Soils and Sediments in the Grassy Area

The soil and sediment samples collected within the lined lagoon, the drainage ditch adjacent to the lined lagoon, the intermittent stream northeast of the site, and the other areas collectively known as the grassy area show high lead concentrations. Concentration of lead collected within the 30 inches interval ranged from 11 mg/kg to 243,000 mg/kg. Concentrations of arsenic ranged from 3.9 mg/kg to 2,300 mg/kg.

Off-Site Soils

Soils were sampled on the adjacent properties to the north of the facility (the Arlington Avenue right-of-way, the railroad right-of-way, and the Big Four Road right-of-way) for lead and arsenic characterization. Lead concentrations in the 0-10 inch interval ranged from 13 mg/kg to 8430 mg/kg. Arsenic concentrations in this interval ranged from 9.4 mg/kg to 169 mg/kg.

Offsite Citizen's Gas Property Soils

Concentrations of lead in soil samples collected from this property averaged 1311 mg/kg. Concentrations of arsenic averaged 28.5 mg/kg.

Groundwater

Shallow groundwater sample results, obtained as part of the RFI activities, show that the current Maximum Contaminant Level (MCL) for arsenic (10 ug/L) has been exceeded on more than one occasion at groundwater monitoring wells MW-1, MW-2, MW-3, MW-7 and MW-8. The 15 ug/L MCL standard for lead was exceeded on more than one occasion in MW-2, MW-7 and MW-8.

MEDIA CLEANUP STANDARDS

The goals of the proposed remedy are to eliminate significant exposures that pose threats to human health and the environment, to clean up contaminated soils to levels consistent with current land use, to restore groundwater to its maximum beneficial use, and to eliminate risks to human health by meeting the applicable health-based groundwater protection standards. U.S. EPA considers corrective action for groundwater to be complete at this facility when all releases to groundwater, including releases from SWMUs, have been remediated. Groundwater cleanup objectives include three components: groundwater cleanup levels, point of compliance, and remediation time frames. Point of compliance for corrective action should be throughout the area where groundwater is contaminated above cleanup levels, or, when waste is left in place, at and beyond the boundary of the waste. U.S. EPA refers to this point of compliance as the "throughout-the plume/unit boundary" point of compliance.

RMC's soil and groundwater sampling reports identified total concentrations of lead and arsenic in soil that were above the U. S. EPA's risk based screening thresholds and therefore potentially pose an unacceptable risk to human health. Accordingly, RMC submitted a site specific Baseline Human Health Risk Assessment (BHHRA). The BHHRA evaluated multiple lead and arsenic exposure scenarios for the former manufacturing areas as well as the surrounding areas of the site covered by lawn, brush and woods ("grassy areas"). The BHHRA concluded that under some of the exposure scenarios, an unacceptable risk may exist for lead.

The BHHRA calculated proposed Media Clean-up Standards (MCSs), which are the average allowable concentrations for each contaminant in each area where contamination presented an unacceptable risk. The Remedial Action Levels (RALs), which are the concentrations above which soil removal is necessary to achieve the MCSs for these areas, were also calculated. In this SB, U.S. EPA is proposing 920 mg/kg of lead in soil as the MCS for the onsite manufacturing areas and the onsite grassy areas of the site, based on a site-specific risk assessment. U.S. EPA is proposing 400 mg/kg of lead in soil as the MCS in the offsite Arlington Avenue right-of-way and the Big Four Road right-of-way because institutional controls are impractical for these properties. After excavation and removal of soils with contaminant levels above the RAL and replacement with clean fill, the average of the post-remediation soil concentrations will meet the MCSs for this facility. This residual concentration will be protective of these receptors, even though the soils in some areas may have concentrations up to 920 mg/kg.

Exposure scenarios evaluated as part of the BHHRA for the soils on the Citizens Gas Property did not identify any current unacceptable exposure risks for commercial/industrial use on that property. Based on the current zoning of the Citizen's Gas property as commercial/industrial, U.S. EPA proposes to apply the commercial/industrial risk-based cleanup standards for this parcel.

Based on the results of the site specific BHHRA, the media cleanup standards and Remedial Action Levels for lead in soil are proposed to be as follows:

CLEANUP OBJECTIVES*

	On-site Manufacturing Area	On-site Grassy Area	Arlington Ave., Big Four Road and Railroad right-of-ways	Citizens Gas Property
MCS	920	920	400	1300
RAL	8,470	4,954	400	Not Applicable

* All values reported in mg/kg.

In the BHHRA, lead risks were evaluated for adult and adolescent receptors by comparing the predicted fetal blood lead level (BLL) for each receptor to U.S. EPA's BLL goal of 10 ug/dl. After excavating the soils contaminated per the action level described in the table (above), the predicted 95th percentile fetal BLL will meet our goal of 10 ug/dl. The residual risk from arsenic was calculated assuming that soil was remediated for lead in both the main facility and the grass area. Residual cancer risks range from 9×10^{-7} to 1×10^{-6} . Residual noncancer risks range from hazard quotients of 0.1 to 0.2. The calculated cancer and noncancer risk associated with post remedial concentration of arsenic in the offsite properties fall below the U.S. EPA's target risk range of 1×10^{-6} to 1×10^{-4} and the hazard quotient of 1.

Additionally, soil to groundwater modeling shows that the concentrations of lead and arsenic remaining in soil after the proposed soil remediation will be less than the soil concentrations for which groundwater would be above the MCL (arsenic) or IDEM industrial default groundwater concentrations (lead).

SUMMARY OF ALTERNATIVES

Corrective measures alternatives are intended to mitigate potential exposure to, control migration of, and/or remediate the contaminants of interest. A step-wise process was used to select and evaluate corrective measures alternatives for implementation at the former RMC facility. The following remedial technologies were considered for remediation of soil and groundwater at the site. Where a particular technology was obviously inappropriate and not suitable for further retention a basis for such a determination is also provided.

SOIL REMEDIATION ALTERNATIVES

NO ACTION (ALTERNATIVE 1)

No Action is a general response action, which does not have any specific technologies or process options. The No Action alternative does not include any additional remedial responses for the Site. It was retained to provide a baseline to compare the relative benefits of the other options.

EXCAVATION (ALTERNATIVE 2)

Soils above the RAL will be excavated and the resulting area backfilled or re-graded to promote surface water drainage. The amount of excavation required will be dictated by the results of previous soil sampling. Alternative 2 must be implemented in conjunction with an On-Site Containment Cell (Alternatives 3A or 3B) or Stabilization and Off-Site Disposal (Alternative 4).

Alternative 2 would include excavating all onsite soils and sediments within the on-site manufacturing area that have concentrations above the RAL of 8,470 mg/kg for lead, and excavating the soils within the onsite grassy areas above the RAL of 4,954 mg/kg for lead. Alternative 2 also includes excavating offsite soils along the Arlington Avenue right-of-way, railroad right-of-way and the Big Four Road right-of-way above the RAL of 400 mg/kg for lead.

The volume of soil to be excavated for Alternative 2 is estimated to be 3,224 cubic yards (cy) in the on-site areas outside the Solid Waste Management Units (SWMUs), 1,771 cy within the SWMUs, 1,057 cy from the grassy areas, 3,177 cy from the railroad right of way, 1,269 cy from the Arlington Avenue right of way and 3,640 cy from the Big Four Road right of way. The volumes of pavement (concrete and bituminous) and building floors (all concrete) that must be removed to access the soils to be excavated are 3,366 cy for the SWMUs and 1,325 cy for the areas outside the SWMUs. Excavated areas will be backfilled with clean soils as specified in the BHHRA. Confirmatory soil sampling of excavations will be specified in the Corrective Measure Implementation Program Plan. It is also assumed that 100 confirmatory samples will be required. This alternative includes the implementation of a deed restriction on the property indicating that any future development or reuse of the property must be supported by the exposure scenarios evaluated in the BHHRA or the BHHRA must be rerun to support any other use other than evaluated in the BHHRA.

Alternative 2 will include the demolition of several buildings, including the Material Storage, Battery Breaker, Filter Press, and Wastewater Treatment Buildings, and the removal/closure of the Surface Impoundment. Removal of the Filter Press and Wastewater Treatment Buildings will mean that storm water runoff and other water generated during corrective action could not be treated unless the existing system were replaced or relocated. Therefore, all surface water runoff must be collected and treated before disposal through a storm water outfall or transported for offsite disposal. All excavated soils and sediment above RAL would be managed using an on-site containment cell (Alternative 3A) or transported for off-site disposal. The building demolition will generate debris and rubble. Metal debris can be sent for recycling, but will require pressure-washing to remove dust and soil. The remaining debris and rubble from both the building and pavement demolition would be consolidated in the on-site containment cell. Wood, trash and other degradable materials generated during demolition would be sent off-site for disposal.

Although the RFI and CMS confirmed that the contamination of soil at the offsite Citizen's Gas property resulted from past operations at the RMC facility, the U.S. EPA agrees with RMC's BHHRA conclusion that the soils on this property do not pose any unacceptable risk. Concentration of lead in soil samples collected at the Citizen's Gas property did not exceed the media cleanup standard of 920 mg/kg for lead. The Citizen's Gas property is zoned commercial/industrial. However, since the commercial/industrial cleanup standards are applicable to this property, and no remediation is planned, this alternative requires implementation of a deed restriction on the Citizen's Gas property to make sure that its use is restricted to only commercial/industrial. As an alternative to a deed restriction, this alternative allows for soil removal on the Citizens Gas property to an MCS of 400 mg/kg of lead.

ON-SITE CONTAINMENT CELL (ALTERNATIVES 3A AND 3B)

Constructing a capped containment cell is a remedial technology typically chosen as a source controls action because it can effectively isolate impacted soil, reduce infiltration, prevent direct

exposure, and is adaptable to various Site conditions. Remediated soil, concrete, and other non-degradable rubble would be consolidated into a single location and capped. A wide range of readily available materials can be used to construct the cap. For this facility, U.S. EPA examined the construction of the on-site containment cell in the following two ways:

- 1) Alternative 3A - Composite Cover consisting of (from top to bottom) vegetative cover, 6" topsoil, 18" cover soil, geocomposite drainage layer, and HDPE geomembrane.
- 2) Alternative 3B - Bituminous Asphalt Cover consisting of (from top to bottom) bituminous concrete pavement, a geotextile filter fabric, and a crushed aggregate subgrade.

STABILIZATION AND OFF-SITE DISPOSAL (ALTERNATIVE 4)

This alternative involves sending excavated soils to an off-site disposal facility. Depending on the results of characterization analysis for the excavated soil, treatment may also be required. The evaluation has been completed based on the assumption that excavated soils will be stabilized on-site and disposed off-site at a non-hazardous landfill.

RESOURCE RECOVERY AND RECYCLING (ALTERNATIVE 5)

Excavated soils which have sufficiently high concentrations of lead could be processed through a secondary lead smelter for the purpose of recovering the lead. Based on discussions with secondary lead smelter personnel, the concentrations that would be conducive to resource recovery and recycling would be in excess of 100,000 mg/kg (i.e., 10% lead) and preferably greater than 250,000 mg/kg. None of the soil samples collected as part of the RFI was above 100,000 mg/kg. Only 10 of the soil borings conducted as part of the closure investigation for the SWMUs encountered one or more samples with lead concentrations greater than 100,000 mg/kg.

These are generally situated within the footprint of the former outdoor waste piles and are estimated to represent less than five (5%) of the total amount of material requiring remediation. Therefore, the Resource Recovery and Recycling option (Alternative 5) was not retained for further evaluation as a site wide alternative. Although not suitable for site wide application, resource recovery and recycling may still be considered as a possible disposal alternative for specific solid waste streams generated during corrective action with very high lead concentrations. Implementation of this alternative would be dependent on the cooperation of an off-site lead smelting company.

IN-SITU STABILIZATION (ALTERNATIVE 6)

Stabilization involves a physical or chemical reduction of the mobility of hazardous constituents. Immobilization typically provides a significant decrease in leachability and the potential for contaminant migration. Immobilization is accomplished through physical (i.e., microencapsulation) and chemical (i.e., pH control, changes in chemical species) processes. Physical processes involve the entrapment of contaminants within a solid matrix, thus, reducing contaminant mobility by decreasing the permeability of the contaminated material. Chemical

processes reduce contaminant mobility by various means such as converting the contaminant to a less mobile form or adjusting the pH of materials to reduce their solubility. Stabilization would not change the mass of contaminants present at the Site. Stabilization can be addressed via ex-situ or in-situ processes. Surface soil mixing allows for mixing without removal of treated materials. Shallow (8 to 12 inch) lifts of contaminated soil can be stabilized using modified construction equipment such as bulldozers. Excavators and caisson drilling rigs can be modified to deliver stabilization reagents to depths greater than 100 feet (as reported by various vendors). The degree of mixing varies with each of these technologies.

While in-situ stabilization decreases the mobility of the contaminants, it does not decrease the volume or toxicity of the contaminants. Additional measures would be required to prevent direct contact for protection of human health. In-situ stabilization is not a widely-accepted technology and has not been implemented full-scale for remediation of lead-contaminated soil, primarily due to the effort involved in application of reagents and the uncertainty in mixing thoroughness. When in-situ stabilization has been used, it has been on large, open sites with sufficiently large volumes of waste to justify the mobilization of specialized equipment and development and implementation of monitoring and testing protocol. Quality control could only be conducted through extensive investigation such as test pits or borings.

For the reasons cited above, the In-Situ Stabilization option (Alternative 6) was not retained for further evaluation as a Site wide alternative.

SOIL WASHING (ALTERNATIVE 7)

Soil washing technology consists of two primary processes: 1) use of a liquid wash solution to physically separate the large grain-size fraction (e.g., battery casings, gravel and sand) from the small grain-size portion or fines fraction (e.g., clay/silt particles); and 2) use of a chemical extraction agent to solubilize (dissolve) contaminants of concern (i.e., soil leaching), thereby providing higher contaminant removal efficiencies from the large grain-size (coarse) material and/or separating the contaminants from the fines fraction. The goal of treatment is to concentrate contaminants to the fines fraction of the material since most organic and inorganic contaminants tend to bind, either chemically or physically, to the clay/silt particles, and/or organic matter within the soil matrix. The large grain-size (coarse) fraction is 'cleaned', and there is a reduction in the volume of contaminated material but not the mass of the contaminant (lead).

The washing process typically involves the physical separation of contaminated material utilizing mineral processing equipment and techniques. Acids, caustics, and surfactants may be added to the process in an attempt to enhance contaminant removal by leaching. Chemicals which have been attempted by various parties for soil lead leaching include ethylenediamine tetraacetic acid (EDTA, a chelation agent which complexes lead and increases solubility) and nitric acid. Surfactants are commonly used to remove organic contaminants from soil. End products of the soil washing process include plastic casings, ebonite casings, washed soil (coarse-grained fraction), and the lead product (fine-grained soil fraction), all of which are solid fractions.

All of the solid end products would theoretically be clean (i.e., below RALs), except the lead product which have high lead concentrations. Generally finer soil particles with high concentrations of lead could be sent to a secondary lead smelter for recovery or stabilized via ex-situ methods and landfilled. The other end products which no longer contain high concentrations of lead (i.e., coarse soil and battery casings) could conceptually be used for clean fill, fuel supplements or alternatively landfilled. The washing solution would likely be treated and recycled as much as practicable until the end of the project. Treatment most likely would involve filtration and/or precipitation to remove lead. The number of vendors who have successfully completed full-scale projects is very limited as the technology is innovative. Due to the large variation in materials to be treated on-site and the fine material (i.e., silt and clay) in the soil, implementation of soil washing would be difficult. Bench-scale studies for similar projects have not proven to be successful in treating the coarse soil fraction to below TCLP limits for lead. Debris such as battery casing fragments are anticipated to be more difficult to clean because of their irregular size and shape of the casings results in hard to clean corners and cracks in which lead may reside. The intricate nature of this technology inherently requires high maintenance and frequent process modifications. Many of the additives used have hazardous characteristics themselves (i.e., acids and bases) and may require special handling and spill prevention/response plans. Implementation of this technology may require designing and fabricating a site-specific treatment plant. For these reasons, the Soil Washing option (Alternative 7) was not retained for further evaluation as a Site wide alternative.

PHYTOREMEDIATION (ALTERNATIVE 8)

Phytoremediation is an emerging technology which involves the use of trees and plants to aid in the remediation of soils and/or groundwater. Plants used for remediation of heavy metals include alyssum, hybrid poplars, Indian mustard, pennycress and sunflower. Phytoremediation of metals occurs through several processes including: Phytoextraction and Phytostabilization.

Phytoextraction is the uptake of a contaminant by plant roots and translocation of that contaminant into the aboveground portion of the plants. The contaminant is removed by harvesting the plants. Phytostabilization is the immobilization of a contaminant through absorption and accumulation by roots, adsorption onto roots, or precipitation within the root zone of plants.

Phytoremediation is an innovative technology which may be effective in remediation of shallow (less than 1 ft below ground surface without repeated tilling and only as deep as 2 feet with such measures) soils. It requires wide-open areas that are not covered with impervious surface such as buildings and pavement. Obviously, the majority of the proposed remediation area is impervious and some of the proposed excavations are projected to be greater than 2 feet deep and as much as 4.25 feet deep; therefore, phytoremediation would not be conducive to remediation of those areas. The time required for implementation of phytoremediation is lengthy as plants and trees grow at a limited rate. As phytoremediation is not conducive to the proposed excavations and schedule, and as the technology is innovative and not widely applied, the Phytoremediation option (Alternative 8) was not retained for further evaluation as a Site wide alternative.

GROUNDWATER REMEDIATION ALTERNATIVES

NO ACTION (ALTERNATIVE 1)

No Action is a general response action, which does not have any specific technologies or process options. The No Action alternative does not include any additional remedial responses for the Site. It was retained to provide a baseline to compare the relative benefits of the other options.

INSTITUTIONAL CONTROLS (ALTERNATIVE 2)

Institutional controls would place limitations on the use of groundwater at the site to prevent consumption by human receptors. The institutional controls would be applied in the form of deed restrictions that would prevent the installation of potable groundwater wells at the site. The deed restriction would apply to current and future property owners.

SOURCE REMOVAL (ALTERNATIVE 3)

This alternative coincides with areas of contaminated soil areas considered for remediation to address soil contamination above. This alternative will not be further discussed in this document as it is being proposed as part of Soil Remediation Alternative 2 above.

MONITORED NATURAL ATTENUATION (ALTERNATIVE 4)

Monitored natural attenuation (MNA) is the stabilization and long-term shrinking of a contaminant plume by natural processes such as microbial degradation. This alternative is generally applicable only to dissolved groundwater plumes. In order to implement this alternative, the source of the contamination must first be removed and the presence and rates of natural degradation processes must be documented. Natural attenuation processes can be demonstrated through a variety of lines of evidence, including static or retreating chemical isoconcentration contours over time, changes in the ratios of parent to breakdown products, the presence of bacteria capable of degrading the contaminants of interest, and/or the presence of geochemical indicators of naturally occurring biodegradation.

The major component of MNA as a remedial alternative would be the long-term monitoring program to provide initial and continuing confirmation that the predicted biological activity and/or reductions in contaminant concentrations occur and remain effective. Risk and hazard management measures may be required to protect human health and the environment during the long term until overall effectiveness can be achieved.

MNA is appropriate as a remedial alternative where natural degradation can be currently documented. MNA is also appropriate as an option for future consideration after the source has been removed and monitoring data indicate that natural degradation may be occurring.

PERMEABLE REACTIVE BARRIER (ALTERNATIVE 5)

A permeable reactive barrier is a passive in-situ option which allows groundwater to pass through a porous media containing a catalyst/formulation. Relative to arsenic, the catalyst is typically an iron or manganese coated sand. The permeable barrier is placed downgradient of the source and is of sufficient length and depth to intercept the impacted groundwater. This technology was not determined to be feasible since the arsenic and lead plumes do not appear to be moving laterally beyond the facility boundary.

CONTAINMENT (ALTERNATIVE 6)

Groundwater containment is used to control or limit the lateral flow of groundwater in a finite area or region. Containment can be accomplished by using low permeability barrier walls constructed around the impacted groundwater. This technology was not determined to be feasible and was not retained because the contaminant plume is not moving laterally.

GROUNDWATER EXTRACTION AND TREATMENT (ALTERNATIVE 7)

Groundwater extraction and treatment involves the removal of impacted groundwater using wells or extraction trenches and treatment through an ex-situ treatment system prior to discharge, re-injection or discharge to the POTW. Extraction and treatment can be effective at reducing mobility and effectively reducing the mass and toxicity of the contaminants in groundwater. Such systems, however, are expensive to design, install and operate.

FINANCIAL ASSURANCE

The U.S. EPA will require that RMC demonstrate that adequate funds will be available to complete the construction as well as the operation and maintenance of the selected remedy. RMC must provide this financial assurance within 90 days of its receipt of U.S. EPA's selected remedy decision. Any of the following financial mechanisms may be used to make this demonstration: financial trusts, surety bonds, letters of credit, insurance, or qualification as a self-insurer by means of a financial test. RMC may request that the amount of the financial assurance be reduced after successfully completing the construction, and again from time to time during the operation and maintenance phase of the remedy.

Cost Analysis

The estimated costs for the proposed Soil and Sediment alternatives including capital costs and the annual operation and maintenance costs are presented in Attachment A will be revised upon selection of final remedial alternatives for the RMC facility.

EVALUATION OF THE PROPOSED REMEDY AND ALTERNATIVES

The selected remedies for cleaning up contaminated media at the RMC facility as discussed above are excavation of all onsite and offsite soils and sediments above the RALs (Soil and Sediment Alternative 2), consolidation of all excavated soils and sediments above RAL including all debris from demolition in an onsite Containment Cell and placement of a composite cap on the cell (Soil and Sediment Alternative 3A), shipment of some excavated soils and sediments offsite for recycling or disposal (Soil and Sediment Alternative 4), institutional controls (Groundwater Alternative 2), and Monitored Natural Attenuation (Groundwater Alternative 4). The selection of these remedial measures is based on the following reasons: (a) the facility will not pose acute risks to humans and other ecological receptors when the remedy is complete; (b) the preponderance of wastes at the units in question have been removed/or will be consolidated in a cell with a composite cap and/or disposed offsite; (c) the communities do not use the groundwater as a drinking water source since drinking water supplies are already provided by the local governments in the area; (d) the alternatives do not require frequent or complex operation and maintenance and (e) the remedy will achieve the corrective action objectives and will provide for continued productive use of the property.

The following discussion profiles the performance of the proposed remedy against the U.S. EPA's remedy selection criteria. The proposed remedy must meet all four of the following threshold criteria.

Protection of Human Health & the Environment

The selected remedy should mitigate the short and long term potential for exposure to hazardous constituents and protect human health during and after its implementation. The overall protection of human health is addressed most effectively at the RMC facility by the proposed alternatives. The isolation and capping of the impacted soils/sediments within the cell will reduce exposure and leachability of this material to the environment.

Monitored Natural Attenuation in combination with source removal may under certain conditions (i.e., through sorption or oxidation-reduction reactions) reduce the mass toxicity, mobility, or concentration of contaminants thereby further reducing or eliminating potential risk posed by these contaminants.

Attainment of Media Cleanup Standards Set by U.S. EPA

The excavation of contaminated soils and sediments (source removal) and consolidation in a Containment Cell with an impermeable geomembrane will reduce the leachability of lead left in place post remediation. Concentrations below the Media Cleanup Standards are achievable through these remediation processes. Compliance with applicable ground water protection standards would be addressed by monitoring the existing onsite wells and installation of additional wells to monitor the efficacy of the remedial alternatives.

Controlling Sources of Release

The selected remedies should provide the greatest improvement to the environment over the shortest period of time. Approximately 18,829 cubic yards of contaminated soils and sediments will be excavated and consolidated in a Containment Cell. The overall protection of the environment is addressed most effectively at RMC by these proposed alternatives. Characteristically hazardous soils/sediments, will be excavated and consolidated in an onsite cell.

Compliance with Applicable Standards for Management of Remediation Waste

For each of the alternatives considered for this facility, U.S. EPA would require compliance with all applicable Federal, State and local requirements. For example, any shipment of hazardous waste off-site under Soil and Sediment Alternative 4 would entail compliance with the applicable standards for generators and transporters of hazardous waste.

The following five balancing criteria are used for choosing among alternative remedies that meet the threshold criteria. For the RMC facility, these criteria would be used to choose between Soil and Sediment Alternative 3A and Alternative 3B, as well as Groundwater Alternative 4 and Alternative 7.

Long-term Reliability and Effectiveness

Soil and Sediment Alternatives 3A and 3B are both capping remedial methodologies. Alternative 3A consists of a vegetative cover over a geocomposite drainage layer and HDPE geomembrane, while, Alternative 3B consists of an asphalt cover over a geotextile filter fabric. Both methodologies can isolate impacted spoil and reduce infiltration. However, the integrity of the cover specified by Alternative 3B may be easily compromised and tends to be more susceptible to impacts from weather. It requires intensive and regular maintenance over a long period of time. The only maintenance required under Alternative 3A is regular mowing of the vegetative cover. Soil and Sediment Alternative 3A is more reliable and effective in long-term than Alternative 3B.

Groundwater Alternative 4 is a natural process of degrading contamination in place. Groundwater Alternative 7 is a process which removes the contaminated groundwater for treatment and discharge. Both Alternatives 4 and 7 can be reliable and effective in the long-term. There is no significant difference between Groundwater Alternative 4 and Alternative 7 for this criterion.

Reduction of Toxicity, Mobility or Volume of waste

There is no significant difference between Soil and Sediment Alternative 3A and Alternative 3B for this criterion. There is no significant difference between Groundwater Alternative 4 and Alternative 7 for this criterion.

Short-term Effectiveness

There is no significant difference between Soil and Sediment Alternative 3A and Alternative 3B for this criterion. There is no significant difference between Groundwater Alternative 4 and Alternative 7 for this criterion.

Implementability

There is no significant difference between Soil and Sediment Alternative 3A and Alternative 3B for this criterion. There is no significant difference between Groundwater Alternative 4 and Alternative 7 for this criterion.

Cost

A cost estimate for each alternative was prepared that considers capital expenditures as well as operation and maintenance costs. Capital expenditures include both direct and indirect costs. Direct capital costs include material and labor used in construction and equipment and services used in the treatment of affected media. Indirect capital costs include engineering expenses, licensing and permit costs, start up and take down costs, and a contingency allowance or unforeseen circumstances. Operation and maintenance costs include post construction costs necessary to ensure the continued effectiveness of the corrective measure. These costs include operating labor costs; repairs and scheduled maintenance; supplies and utilities; subcontractor services; disposal and treatment costs of generated wastes; and a reserve or contingency fund.

There is no significant difference between Soil and Sediment Alternative 3A and Alternative 3B for this criterion. Groundwater Alternative 7 is much more expensive than Alternative 4 to design, install and operate.

In summary, the proposed alternatives provide the best balance of tradeoffs among the alternatives with respect to the evaluation criteria. The proposed alternatives are protective of human health and the environment and will effectively remove the source of contaminants into the groundwater so as to reduce or eliminate further contamination. All applicable standards regarding groundwater protection and onsite/offsite waste management would be addressed under this proposal and complied with during the corrective measures implementation process. Therefore, for the current groundwater contamination, U.S. EPA proposes that RMC implement Soil and Sediment Alternatives 2, 3A, 4 in combination with institutional controls and Monitored Natural Attenuation (MNA).

PUBLIC PARTICIPATION

U.S. EPA solicits input from the community on the cleanup methods proposed for each of the corrective measure alternatives. The public is also invited to provide comment on alternatives not addressed in this Statement of Basis (SB). U.S. EPA has set a public comment period June 27, 2008 to August 11, 2008, to encourage public participation in the selection process.

The Administrative Record for the RMC facility is available at the following location:

Beech Grove Public Library
1102 Main Street
Beech Grove, Indiana 46107
(317) 788-4203

E-mail: bgplreference@bgpl.lib.in.us

**Hours: Monday thru Thursday 9:00 AM - 8:00 PM
Friday and Saturday 9:00 AM - 5:00 PM**

and

U.S. EPA, Region 5
Waste Management Division Records Center
77 West Jackson Boulevard, 7th Floor
Chicago, Illinois 60604
(312) 353-5821

Hours: Monday thru Friday 8:30AM – 4:00PM

After consideration of the comments received, U.S. EPA will select the remedy and document the selection in the Response to Comments (RTC). In addition, comments will be summarized and responses provided in the RTC. The RTC will be drafted at the conclusion of the public comment period and incorporated into the Administrative Record.

Written comments should be sent to:

Mr. Jonathan Adenuga
U.S. Environmental Protection Agency
77 West Jackson Boulevard, DRE-9J
Chicago, Illinois 60604



CERTIFICATE OF MAILING

I, **Martha Y. Robinson**, a duly authorized representative of the United States Environmental Protection Agency, Region 5. Do hereby certify that on June 24, 2008, placed in the United States mail, at 77 West Jackson Boulevard (LP-7J), Chicago, Illinois 60604. Copy of the Fact Sheet and Public Notice Newspaper, was mailed to the persons in the attached mailing list. This information specifies the Corrective Action being performed by Refined Metals Corporation, under the authority of the Resource Conservation and Recovery Act.

6/24/08
June 24, 2008


Martha Y. Robinson

Mayor Joe Wright
City of Beech Grove
806 Main Street
Beech Grove, Indiana 46107

Beech Grove Public Library
Attn: Ms. Diane burn
1102 Main Street
Beech Grove, Indiana 46107

Paul G. Stratman, P.E., P.G.
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Mr. Evan Bayh
U.S. Senate
380 Russell Senate Office Building
Washington, DC 20510-0605

Catherine Burton, President
Franklin Township Civic League, Inc.
8911 Southeastern Avenue
Indianapolis, Indiana 46239

Marion County Health Department
Attn: Ms. Pam Thevenow
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Indianapolis, Indiana 46205-2930

Mr. Blake Jeffery
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Indiana MFG Association
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Indianapolis, Indiana 46282-0002

Representative Edmund Mahern
2707 Allen
Indianapolis, Indiana 46203

Mr. Daniel Fogerty
Dept. of Natural Resources, Room 274
Director of Historic Preservation
402 West Washington
Indianapolis, Indiana 46204

Senator Patricia Miller
1041 South Muesing Road
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Ann McIver, QEP
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Ann W. McIver, QEP
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amciver@citizensenergygroup.com

June 24, 2009

Via Electronic Mail and U.S. Mail

Mr. Jonathan Adenuga
U.S. Environmental Protection Agency
77 West Jackson Boulevard, DE-9J
Chicago, Illinois 60604

RE: Environmental Restrictive Covenant Agreement between Refined
Metals and Citizens Energy Group

Dear Mr. Adenuga:

As you know, Citizens Gas, a member of the Citizens Energy Group ("Citizens") submitted comments to the U.S. Environmental Protection Agency ("EPA") on EPA's draft Statement of Basis for the Refined Metals Corporation site in Beech Grove, Indiana (the "Site") on September 9, 2008.

Since we submitted our comments, Citizens and Refined Metals have reached an agreement regarding Citizens' LNG South property adjacent to the Refined Metals Site. This agreement is, and must remain, confidential according to its terms. However, we can tell the agency that once Refined Metals has performed the work required under this agreement, Citizens will record an environmental restrictive covenant ("ERC") covering the LNG property that will prohibit future residential use of Citizens' property.

In light of this agreement, the majority of Citizens' comments have been rendered moot, and Citizens no longer needs EPA to respond to all of the concerns Citizens raised in its September 9 letter. However, Citizens requests that its concerns regarding the location of the containment cell on Refined Metals' property, and stormwater/air deposition management at the Refined Metals Site be reflected in the Final Decision issued by EPA.

Specifically, Citizens requests that EPA's Final Decision related to the Site provide:

- (1) that the containment cell will only be located at the location on Refined Metals' property shown on the map attached as Exhibit 1 hereto;
- (2) that Refined Metals be required to develop a stormwater management plan both during and following construction of the corrective measures to prevent contaminated stormwater from migrating onto Citizens' property; and

Mr. Jonathan Adenuga

June 24, 2009

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(3) that Refined Metals be required to develop an air deposition management plan that will prevent contaminants from becoming air borne during Refined Metals implementation of its corrective measures.

If you have any questions or need clarification of any part of this letter, please do not hesitate to contact me via email at amciver@citizensenergygroup.com or telephone at (317) 927-4393.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann W. McIver".

Ann W. McIver, QEP



A member of Citizens Energy Group
20 N. Meridian St. | Indianapolis, IN | 46202-1393
www.citizensgas.com

September 9, 2008

Via Email and Federal Express

Mr. Jonathan Adenuga
U.S. Environmental Protection Agency
77 West Jackson Boulevard, DE-9J
Chicago, Illinois 60604

**RE: Public Comments on the Draft Statement of Basis for
Refined Metals Corporation, Beech Grove, Indiana
IND 000 718 130**

Dear Mr. Adenuga:

Citizens Gas, a member of Citizens Energy Group (Citizens), appreciates the opportunity to submit the following comments on the draft Statement of Basis for the Refined Metals Corporation site in Beech Grove, Indiana (the Site). This draft Statement of Basis provides a summary of the investigations conducted both at the Beech Grove site and on adjacent properties, as well as a summary of proposed corrective measures to be taken at the Site.

Citizens owns and operates a liquefied natural gas (LNG) facility immediately adjacent to and west of the Refined Metals Site, the LNG South facility. Results of soil sampling on the LNG South plant site demonstrate that contamination from the Refined Metals site (lead, arsenic, and possibly other constituents of concern) has migrated onto the LNG South facility through storm water runoff and air deposition. As a result, Citizens is directly impacted by the proposed corrective measures outlined in the draft Statement of Basis.

The LNG South facility has the capacity to store 1 billion cubic feet (BCF) of liquefied natural gas. Typical operation of the facility involves a liquefaction campaign during the summer months, then a vaporization campaign during the winter months, where the liquefied natural gas is warmed to the gas phase and sent into the distribution system for use by retail customers. Citizens could, however, increase the frequency of these cycles in order to support market demands and operational flexibility.

1. Priorities of Citizens Gas

In reviewing the draft Statement of Basis (SB), Citizens has focused attention to the following three (3) priorities to meet its obligation to provide a safe, functional working environment for its employees while protecting the environment in the surrounding community:

1. A Commitment to Employee Health & Safety
2. Protection of Operations at the LNG Facility
3. Protection of the Environment

Each of these priorities as they relate to the proposed remedy on the Refined Metals (RM) site is discussed in more detail below.

Employee Health & Safety

Elevated lead (and other constituent) concentrations exist in shallow soil across large portions of the LNG facility. The lead concentrations¹ substantially exceed the Indiana Department of Environmental Management's (IDEM's) default closure goals of 81 mg/kg for potential residential exposure and 230 mg/kg for potential commercial/industrial exposure across large areas of the LNG facility. In fact, lead concentrations in soil have been detected as high as 7,390 mg/kg less than 6 inches from ground surface on the LNG facility near the eastern property boundary separating the RM site from the LNG facility. Lead concentrations of this magnitude raise concerns regarding Citizens' responsibility and ability to provide safe working conditions to its employees who regularly come into contact with shallow soils throughout the LNG facility during their normal course of work.

The condition of elevated concentrations of lead and their potential contact by Citizens employees is further exacerbated by the distribution of elevated concentrations of lead in soil coinciding with storm water runoff pathways. These pathways have carried and continue to preferentially carry lead-impacted storm water from the RM site onto the LNG facility during ordinary rainfall events. LNG facility maintenance activities associated with removing storm water runoff from sensitive facility features, such as its compressor and transformer buildings, creates frequent exposure scenarios for Citizens employees to come in contact with potentially unsafe concentrations of lead.

Protection of Operations at the LNG Facility

Aside from the potential employee health and safety concerns associated with elevated lead concentrations on the LNG facility soils and storm water, the proposed RM remedy presents potential facility operational problems. As proposed in the SB, a lead containment cell constructed on Citizens's property boundary with the RM site apparently right along the fence line separating the two sites would create additional storm water runoff flow to the west onto the LNG facility (*see discussion below in section 2 below*).² This condition would result in

¹ Although there are constituents of concern other than lead, lead appears to be the "remedy driver" for both the LNG and RM facilities. For the balance of this letter, we will simply refer to lead, but that is intended to include all of the constituents of concern at and migrating from the RM facility.

² Citizens understands that EPA may have decided after issuance of the draft SB to move the location of the proposed containment cell to a location north of existing buildings on the RM site, in the northwest portion of the

increased flooding of sensitive areas on the LNG facility if proper storm water detention and management is not employed on the RM facility as part of the site-wide remedy. This condition could also lead to Citizens' inability to meet requirements of its storm water permit, which includes a regulated outfall near the southwest corner of the LNG facility.

The combination of elevated lead concentrations and increased storm water onto the LNG facility also creates conditions that would impede the facility's future redevelopment and/or operational expansion. It is important to incorporate activities into the RM remedy that assure that not only current, but also reasonably foreseeable changes in the LNG facility's property use can be accommodated in the future. A substantial landfill hill of presently unknown height situated on Citizens' property boundary, combined with increased consequential flooding and a ready conduit of lead-impacted storm water significantly hinders Citizens' ability to manage, modify, market, sell or lease its LNG facility property.

Protection of the Environment

In addition to protecting the health and safety of our workers and the long-term operations at the LNG facility, Citizens is concerned with the potential impact that the RM remedy could have on the environment within and beyond the limits of the LNG facility. If a proper remedy that adequately addresses storm water is not designed and implemented for the RM site, ongoing, unacceptable concentrations of lead in surface water and suspended sediment could continue to migrate throughout the LNG facility and into the community. As shown on the RM facility and proposed remedy maps, two separate ditches convey surface water from the RM site to the west, one along the south and the other along the north portion of the LNG facility (the latter then traverses the LNG property itself) and eventually further south and west of the LNG facility.

Citizens understands that the sediments in these ditches will be removed to the residential closure standard of 400 ppm throughout the length of these ditches. Citizens would like a reaffirmation from EPA in its Final Decision that this is the case. Moreover, EPA should ensure that the corrective measures to be implemented include provisions that (a) prevent excess contamination from being generated and mobilized during site demolition, soil excavation, and future construction on the RM property; (b) require storm water retention features on the RM property; and (c) include post-remedy monitoring of surface water to ensure the ditches and Citizens property are not re-contaminated.

2. Storm Water Issues

The existing area topography already leads to routine flooding of the LNG facility from runoff originating on the RM site. As the sites exist today, even minor rain events cause areas on the Citizens' property, including areas in between various buildings, to be inundated and retain

RM site, as originally proposed by RM. Citizens applauds this move, and hopes that is the ultimate decision of EPA. In the meantime, Citizens is providing comments in this letter based on the information contained in the draft SB and public record.

water. This water pools on the Citizens' property and then soaks into the ground, including pooling in between manufacturing buildings. Citizens employees currently are forced to routinely pump water from a shallow sump in the LNG compressor house that is impacted by this same storm water runoff. Currently, Citizens typically has to pump an average of 5,000 gallons of water each week from this sump for treatment and disposal at an off-site facility.

The proposed corrective measures on the RM site will turn an already bad flooding problem into an unmanageable problem. Citizens simply cannot allow any increased storm water runoff to flow from the RM site onto its property. In an effort to understand the magnitude of the additional runoff that will occur from the proposed corrective measure, Citizens asked its consultant, ENVIRON, to undertake a screening modeling effort to confirm the intuitive conclusion that the proposed corrective measure would increase runoff and if so, to evaluate the magnitude of that increased runoff. Even though modeling can be abused, it is a good tool when used properly, and we instructed ENVIRON to use conservative assumptions that would lead to a lower estimate of runoff due to the cell than we think will actually be the case.

The proposed containment cell (Alternative 3A in the CMS) will occupy an area of approximately 500 feet by 100 feet, on the west portion of the RM property that shares a property boundary with the LNG property. The information Citizens has access to indicates the slope will be between 3 and 33%, although RM representatives have told us the slope would be more like 20%+. Based on a 20% slope, the height of the cell would be on the order of 10 feet above current grade. The topography of the area and the proposed location of the containment cell as shown on the drawings Citizens has reviewed would cause an increase in storm water runoff from the area of the proposed containment cell to discharge directly onto the LNG property.

To evaluate the potential impact of the proposed containment cell on the storm water runoff to the LNG facility, the runoff under existing and proposed site conditions were calculated. The storm water runoff estimations were performed using the Tabular Hydrograph Method as detailed in Technical Release 55 (TR-55) of the US Department of Agriculture, Natural Resources Conservation Service (NRCS). A software application, WinTR-55, which incorporates the Tabular Hydrograph Method, was used for modeling the rainfall and runoff. WinTR-55 is a public domain software application, available for download from the NRCS web site³. The runoff hydrograph was computed for the existing and proposed site conditions based on the Soil Conservation Service (SCS) Curve Number (CN), the time of concentration (Tc) and the rainfall distribution.

The CN values for existing and proposed conditions were determined from Table 2.2 of TR-55, based on the land cover and soil type. The CN for the existing condition was assumed to be 56 (brush-weed-grass mixture, fair condition) and that for the proposed condition was assumed to be 69 (open space - lawns, parks, golf courses, fair condition). The hydrological soil group (HSG) was assumed to be "silt loam or loam" (HSG - B), under both the conditions. In

³ http://www.wsi.nrcs.usda.gov/products/W2Q/H&H/Tools_Models/WinTR55.html

order to calculate the Tc under existing conditions, runoff from the entire footprint of the containment cell was assumed to discharge directly by sheet flow, to the LNG property. Under the proposed conditions, runoff from half of the area (50 feet wide to the west) was assumed to discharge to the LNG property directly by sheet flow and that from the remaining area (50 feet wide to the east) was assumed to discharge by sheet flow to the east and then flow through the periphery of the cell (as dictated by existing topography) as concentrated flow before discharge to the LNG property. Manning's roughness coefficient (n) for concentrated flow was computed assuming an unpaved surface. The "n" value for sheet flow under existing conditions was assumed to be 0.40 (woods-short underbrush) and that under proposed conditions was assumed to be 0.15 (short grass). Type II rainfall distribution was assumed for both existing and proposed conditions based on Figure B2 of TR-55. Rainfall data for various return periods (2, 5, 10, 25, 50 and 100 years) for Marion County, Indiana, available from the NRCS storm database were used in the computations. The model was also used to estimate runoff volume and peak rates of runoff under containment cell slopes ranging from 3-33% as described in the CMS. All model assumptions and inputs were conservative, meaning where discretionary inputs were required, those that would result in a lower estimation of runoff volume and peak rate of runoff were applied. For example, the peak runoff rate would be much greater if an asphaltic cap was applied.

The model output indicates that construction of the proposed containment cell would result in approximately 9,000 to 24,000 gallons additional runoff received directly by the LNG facility during 2-year to 100-year rainfall events during each such event. Furthermore, and perhaps more problematic, the peak rate of runoff in just a 2-year rain event would increase more than 10 times under the proposed containment construction scheme. This means that not only would the volume of water received by the sensitive LNG features (such as the compressor building) increase by a minimum of 9,000 gallons during a common, 2-year rain event, but the water would also be received by these features 10 times sooner. This increase in peak runoff rate suggests that flooding of LNG operations may even occur under lesser rain events that do not currently cause flooding because the existing conveyances and detention features may not be able to accommodate the higher sheet flow rates. The peak rate of runoff is higher under containment cell construction designs employing steeper slopes. It is our understanding that the containment cell slope will be on the higher end of the 3-33% range in order to accommodate a high volume of soil in a relatively small area.

The model results above indicate that the proposed location and construction configuration of the containment cell is unacceptable simply from a surface water hydrology standpoint. Aside from the excess runoff volume that would be received by the LNG facility, the current distribution of lead throughout the LNG facility shows that storm water is the carrier of lead and other constituents of concern. The highest concentrations of lead are being deposited along preferential drainage pathways. The RM remedy must include provisions to eliminate further deposition of lead via storm water runoff on to the LNG facility property.

3. Containment Cell

Citizens believes the proposed location of the containment cell is unacceptable due to potential adverse impacts that could be realized by the LNG facility as a result of the cell's construction in close proximity to the operational areas of the LNG facility. Citizens also does not want to have this large hill of contaminated soil located right on its property boundary. Such a location is not only an eye sore, but would harm Citizens' ability to try to sell or lease this property in the future. ①

There are also local zoning and drainage ordinances that preclude construction of the cell in the proposed area. A discussion of the problems and legal issues associated with the currently proposed location are provided in the discussion below. In response to these operational and legal concerns, Citizens is proposing an alternative containment cell location on the RM property north of the existing buildings as generally proposed by RM in previous CMS submissions. Citizens does not oppose a containment cell located on the RM property so long as it complies with local law; is placed and constructed in a manner that will not cause increased storm water run off onto Citizens' property and will not allow lead and other constituents to continue to be deposited on Citizens' site; has a storm water management component that Citizens has the opportunity to review and approve; and has required monitoring during soil excavation and cell construction and after corrective measures are complete to ensure Citizens does not continue to be the unwitting recipient of lead and other constituent runoff.

As discussed previously, the proposed location and configuration of the containment cell will unacceptably increase the volume of storm water runoff received by the LNG facility if proper design considerations, including berms, conveyances, and retention features are not incorporated into the final design/construction plans. Furthermore, a storm water management plan should be required by EPA in its Final Decision selecting the corrective measures to be performed to prevent excess storm water runoff onto the LNG facility (a) during soil excavation and containment cell construction; and (b) after the corrective measures are installed to ensure proper vegetation is established and thereafter maintained as verified by routine sampling for some reasonable period of time.

The proposed location of the Containment Cell directly in the center of Citizens' eastern boundary with the RM property is not allowed by local zoning laws because it would constitute a setback encroachment. The RM site is zoned within the I-3-S Medium Industrial Suburban District. Property zoned I-3-S is required to have minimum side and rear yards of 30 feet (i.e. side- and rear-yard setbacks). Indianapolis/Marion, Ind., Rev. Code of the Consol. City and County § 733-204(a)(4). The proposed Containment Cell is currently proposed to be nearly flush with the RM/Citizens property boundary line and therefore within the side-yard setback, which is not allowed under local law.

Under the applicable zoning rules, setbacks "shall remain as open space free from structures except where expressly permitted by this chapter." *Id.* § 733-204(a)(7). Structures like the proposed Containment Cell are not allowed within these side-yard set backs. The types of structures that are allowed within a side-yard set back include things like pedestrian walks,

drives, flag poles, fences, and parking or loading yards. The proposed engineered containment cell is not a permitted side yard use and cannot therefore exist within the 30-foot buffer required by these local requirements.

The proposed Containment Cell is also a "land alteration" that would also require a written drainage permit obtained from local authorities. *See Id.* § 561. The definition of "land alteration" includes "any action taken relative to land which":

- (1) Changes the contour; or
- (2) Increases the runoff rate; or
- (3) Changes the elevation; or
- (4) Decreases the rate at which water is absorbed; or
- (5) Changes the drainage pattern . . .

Id. § 561-109(8). "The drainage permit must be obtained before any work is initiated with the exception of testing to determine procedures or materials." *Id.* § 561-221(c). A drainage permit cannot be issued unless, among other things, the applicant submits a professionally prepared and certified drainage plan that complies with minimum drainage requirements as set forth in Article III of § 561. *Id.* § 561-223(b)(3). Minimum drainage requirements include the establishment of a "drainage facility" that is capable of accommodating a minimum 10-year rainfall event. *Id.* § 561-334. Thus, regardless of where the containment cell is located on the RM site, it will need to obtain and comply with a drainage permit. Citizens looks forward to working with RM, EPA and the local authorities on the details of this permit since, as commented above, Citizens needs to ensure that the final corrective measures do not result in continued deposition of lead and other constituents of concern on its property.

These local zoning requirements are not preempted by RCRA because RCRA itself contemplates local action through its savings clause; the ordinances here do not conflict with RCRA or frustrate RCRA's purposes; they do not amount to a total ban on RCRA-encouraged activity; and they serve a legitimate local safety and welfare purpose. First, the RCRA statute explicitly allows local requirements even if they are more stringent than RCRA:

[N]othing in this chapter shall be construed to prohibit any State or political subdivision thereof from imposing any requirements, including those for site selection, which are more stringent than those imposed by such [RCRA and EPA] regulations.

42 U.S.C. § 6929. Courts in several jurisdictions have examined this language and noted that "instead of comprehensively preempting state law, the RCRA 'seems to contemplate state law action . . .'" *Boyes v. Shell Oil Prods. Co.*, 199 F.3d 1260, 1267 (11th Cir. 2000) (quoting *Feikema v. Texaco, Inc.*, 16 F.3d 1408, 1413 (4th Cir.1994))⁴

⁴ See also, *Blue Circle Cement, Inc. v. Board of County Comm'rs of the County of Rogers*, 27 F.3d 1499, 1504 (10th Cir.1994) (finding no "express preemption nor implied field preemption of state and local hazardous waste regulations that are more restrictive than RCRA"); *Old Bridge Chemicals, Inc. v. New Jersey Dept. of Env'tl. Protection*, 965 F.2d 1287, 1296 (3rd Cir.1992) ("RCRA sets a floor, not a ceiling, for state regulation of hazardous wastes.").

Second, the ordinances are not preempted because they do not conflict with RCRA or frustrate its purposes since RCRA does not "specifically address" the issues addressed in these ordinances -- i.e. set back requirements and performance standards for new structures and construction. *See North Haven v. Upjohn*, 753 F. Supp. 423, 431 (D. Conn. 1990). In *Upjohn*, the court upheld a local ordinance that, similar to the ordinances here, addressed "the necessity of permits and approval for excavation and construction." The court rejected the argument that RCRA preempted this ordinance after finding: "RCRA does not specifically address any of these issues. Nor does the Court find that simply requiring such approval and permits frustrates congressional purposes." *Id.*

Third, RCRA does not preempt the ordinances because they do not constitute a total ban on RCRA activity, and in fact, address legitimate local concerns for safety and welfare. Courts have held that "an ordinance that falls short of imposing a total ban on [RCRA-]encouraged activity *will ordinarily be upheld* so long as it is supported by a record establishing that it is a reasonable response to a legitimate local concern for safety or welfare." *See, e.g., Blue Circle Cement v. Board of County Comm'rs*, 27 F.3d 1499, 1508 (10th Cir. 1994) (emphasis added). For example, in *Upjohn*, the court upheld another local ordinance that prevented the property owner from capping a sludge pile onsite and required excavation and offsite disposal of the sludge because the ordinance did "not ban[] this type of activity within the town" and therefore did not amount to a total ban on RCRA-encouraged activity. 753 F. Supp. 423, 431 (D. Conn. 1990). The ordinances discussed here are even less of a burden on RCRA-encouraged activity because, unlike the North Haven ordinances, they do not completely ban capping hazardous waste onsite -- they simply require proper location and storm water management of such activities within a site. Additionally, there is no question that these requirements serve a legitimate welfare and safety purpose by aiming to prevent and/or mitigate storm water impacts. Therefore, these ordinances are clearly not preempted by RCRA.

Citizens does not oppose RM's proposal to construct the containment cell in the northwest portion of the RM property, north of the former operational and parking areas, and west of the RM drainage ditch, so long as appropriate protective features are incorporated into such a location. Relocating the containment cell to this location provides several advantages to Citizens, RM, and the local community, including:

1. ***Greatly reduces potential for adverse storm water and residual lead impacts to be received by the LNG facility.*** The topography in this alternative location promotes final drainage to the northwest, in the direction of the drainage ditch along the railroad right-of-way, and allows for space to comply with applicable drainage permit requirements (e.g., a retention basin that will allow solids to settle out before being discharged to this ditch). Any excess storm water draining in this area would be less likely to adversely impact the most sensitive operations at the LNG facility.
2. ***Facilitates Brownfields redevelopment.*** The cell location currently proposed in the SB would hinder Brownfields redevelopment of the RM property. Consolidating a large

volume of soil into the small area proposed in the SB would necessitate construction of a relatively tall cell with steep slopes. The existence of such a site feature creates a real disincentive for future re-use of the property. Alternatively, construction of a low-slope, containment cell in the proposed area promotes future redevelopment by placing the containment cell in an otherwise unusable area of the site while promoting drainage through the retention pond and eventually to the ditch. Such a feature could also be incorporated into site redevelopment plans (e.g., equipment lay down areas, parking). It is our understanding that the City of Beech Grove has expressed an interest in ensuring that the remedy for this site facilitates property redevelopment; as a member of the local community, we concur.

3. ***Improves ease of remedy implementation.*** With a larger footprint, the containment cell can be constructed with gentler slopes, simplifying the engineering and construction, while reducing run off and maintenance costs.

The current location of the containment cell is in violation of local ordinances and is harmful to Citizens' current and future land use activities and enjoyment. In an effort to understand the reasoning for the location of the containment cell Citizens filed a FOIA request for all documents concerning the Refined Metals Site.⁵ In an April 19, 2006 letter to RM, EPA took the position that the area of contamination ("AOC") method for management of remediation waste is not possible if the containment cell is located in the northern "grassy area" of the RM Site. See Letter from Jonathan Adenuga, U.S. EPA Region 5, to Matthew A. Love, RM Technologies. EPA's letter referenced a 1998 U.S. EPA memorandum, "Management of Remediation Waste Under RCRA," EPA530-F-98-026 and concluded that the Containment Cell may not be located at the northern part of the RM Site: "since the proposed location for the containment cell is not an area proposed for soil excavation, it does not appear to qualify as an AOC" *Id.*

We respectfully believe this position is unsupported by EPA guidance, and in fact, is directly contrary to such guidance. We have not located any EPA guidance or other authority which supports such a restrictive view of the permissible geographic scope of an AOC. The 1998 EPA memorandum "Management of Remediation Waste Under RCRA" cited by EPA contains only a half page summary of the AOC program. Other EPA guidance provides a more in-depth discussion of AOCs. For example, EPA's *Use of the Area of Contamination (AOC) Concept During RCRA Cleanups* (March 13, 1996) (emphasis added) states that an AOC "is delineated by the aerial extent (or boundary) of contiguous contamination . . . [and] *may contain varying types and concentrations of hazardous substances.*" The RM site was formerly the site of a lead smelter. Most such operations have contamination dispersed by air deposition, and have contiguous lead contamination at various concentrations throughout most of the site. This appears to be the case at the RM site. Thus, under the EPA definition of an AOC provided

⁵ It appears that EPA has not provided all of the public documents in EPA's RCRA file. We know that EPA withheld from production an unspecified number of documents for unspecified reasons. Citizens awaits EPA's explanation. In addition, several documents that were referenced in other documents we did review were missing as well. Citizens reserves the right to supplement these comments once it has been able to review the entire RCRA file.

above, it is entirely appropriate to include the entire RM site, or at least most of the site, within one AOC. In fact, EPA discussed with approval such a scenario as applied to wood treating facilities. See Letter from Elizabeth A. Cotsworth, EPA, to Robert Markwell (March 19, 1999) (emphasis added). In this document, EPA states:

EPA's Area of Contamination Policy provides generally that certain discrete areas of *generally dispersed contamination* - the AOC - can be considered to be RCRA units (usually a landfill) and that consolidation ... conducted within the AOC do not trigger land disposal restrictions ... [Wood treating sites] can present unusual challenges because of the *varying levels and types of contamination* that may be present ... Moreover, because wood treating sites can have *significant areas of generally dispersed contamination*, it can be appropriate to *consider designation of AOCs expansively*, to include in appropriate cases, *significant portions of a site in a single AOC*.

Id. (emphasis added). Like the wood treating site discussed by EPA, the RM site has "areas of generally dispersed contamination" -- in this case, lead. There is no reason to treat the RM site any different with respect to delineating the scope of an AOC. In order to designate more than one AOC to the RM site there would need to be "discrete, *widely* separated areas of contamination." "Applicability of RCRA Requirements," 55 FR 8758, 8760 (March 8, 1990). Based upon our review of the site data, this does not seem to be the case at the RM site.

A more expansive (and we believe appropriate) interpretation of the AOC policy furthers another important EPA goal, Brownfields redevelopment. For large sites with widespread contamination, a flexible AOC policy will allow for effective beneficial use and redevelopment. In the present case the current location of the proposed containment cell results in increased flooding, a prominent eye-sore and a hindrance for future expansion and sale of both properties. Relocation of the containment cell would optimize the land use potential for both sites. EPA policies also stress the consideration of stakeholder interests during the corrective action process. See Memorandum from J. Winston Porter, U.S. EPA Assistant Administrator, "Guidance for Public Involvement in RCRA Section 3008(h) Action", May 5, 1987. Finally, it is unfair to require a corrective action that results in harm to an innocent party. Land should not be used in a way that is detrimental to others.

Regardless of the final containment cell location, Citizens must be involved in discussions leading to the final design, construction, maintenance, and monitoring of the remedy to ensure that the LNG facility and its workers are protected from excess, lead-containing storm water. Relocating the cell to the northwest portion of the RM facility simplifies this exercise but does not preclude the necessity of Citizens' involvement during the planning process. Prior to the development of design plans that would accompany a Corrective Measures Implementation (CMI) work plan, Citizens should work with USEPA and the RM project staff to develop general performance standards for the project. Furthermore, the final design should respect local laws and not result in an attractive nuisance or creation of unattractive features that would otherwise

be created by a tall hill of lead-containing soil placed on the property boundary between the LNG facility and the RM site.

4. Lead Contamination in Soil

The draft SB applied the results of a baseline risk assessment (BSA) prepared by Gradient (May 2005) to determine the following:

1. The necessity of remediating lead in soil on- and off-site site.
2. Lead cleanup standards on the RM site and threshold levels requiring remediation in order to achieve the site-wide cleanup standards.

According to the draft SB, the only areas that require soil excavation on-site are those with lead concentrations exceeding 8,470 mg/kg in the manufacturing area and 4,954 mg/kg in the grassy area. The SB goes on to state that through excavating these areas, the average concentration of lead across the site will be reduced to 920 mg/kg which is protective of human health and the environment according to the BSA. Citizens will not take issue with leaving lead concentrations in some areas over 8,000 mg/kg provided that the remedy includes measures that prevent any residual lead from migrating onto the LNG facility. If such measures are not implemented as part of the remedy, the proposed residual concentrations allowed to remain on-site are not acceptable due to the potential of further contaminating the LNG facility.

Citizens reviewed the BSA prepared by Gradient. We noted that the Gradient risk assessment utilized the USEPA Adult Lead Model spreadsheets for the calculation of the lead risks and lead PRG values. However, Gradient was not utilizing the USEPA default input values for two significant input parameters (Baseline Blood Lead Levels PbB₀ and Geometric Standard Deviation GSD). Gradient did not utilize the default values for either the 2003 model version, or the most recent 2005 model version. Utilizing the current USEPA recommended values for Midwest populations (PbB of 1.5 and GSD of 2.2) and keeping all other input values consistent with those used by Gradient for the on-site "Construction Worker 2", the PRG drops from 920 mg/kg to 472 mg/kg. The USEPA adult lead model for a worker exposed 250 days/year at a soil ingestion rate of 100 mg/day results in a soil lead PRG of 472 mg/kg. While Citizens does not believe that a PRG of 472 mg/kg is necessarily warranted on the RM facility, we do request an explanation regarding the basis for its selection of model inputs for PbB and GSD.

The BSA determined that the average lead concentration on the LNG facility of 1,300 mg/kg was protective of human health and the environment. However, using the USEPA Midwest defaults for PbB and GSD, but keeping all other exposure parameters consistent with those used in the BSA, the 1,300 mg/kg identified as the average lead concentration at the LNG facility would result in unacceptable risk levels (i.e., greater than 5% exceedance of the 10 ug/dL acceptable goal). Again, an explanation for the PbB and GSD model inputs which deviated from default USEPA assumptions is needed.

Regardless, the proposal to allow an LNG site-wide, average concentration of 1,300 mg/kg lead to remain un-remediated is unacceptable to Citizens for three primary reasons:

1. ***Average lead concentrations of 1,300 mg/kg do not allow for unrestricted, commercial/industrial use of the property.*** Citizens needs the ability to use the property in the future for any reasonable commercial/industrial purposes beyond the one use scenario identified (without Citizens's input) in the BSA. Under the current proposed plan, the residual lead concentrations that would remain unreasonably restricts the manner Citizens can use its property in the future. Risk assessments are to address not only current, but also reasonably foreseeable future uses.
2. ***It was not appropriate to develop average lead concentrations across the LNG facility by obtaining sampling data from a gridded sampling pattern.*** It is clear that the lead is preferentially deposited in discrete areas on the LNG facility through surface water runoff pathways. The lead concentrations in the runoff areas are generally at least one order of magnitude higher than those found in samples obtained outside the primary drainage paths. The manner that the LNG lead sample data was managed is analogous to using lead sampling data collected from outside a drainage ditch to determine the average lead concentration inside the ditch. Data collected from outside the primary drainage paths should be treated separately for purposes of statistical evaluation.
3. ***Insufficient sampling data exists in the storm water drainage confluence in various locations at the LNG property (e.g., the southeastern portion of the LNG facility including the primary operational areas).*** This lack of data appears to be a result of the grid sampling pattern utilized during the lead investigations. The potential exists for high concentrations of lead to exist in other areas, thereby warranting further investigation. The use of field analytical techniques such as x-ray fluorescence (XRF) may be acceptable to provide a pragmatic, less expensive method of lead delineation.

Citizens is willing to work with Refined Metals to identify a methodology that provides for the use of appropriate averaging in meeting the stated goals, however any appropriate averaging method will need to address the discrete hot spot areas and appropriately consider the preferential drainage pathways discussed above separately. In order to obtain a reasonable, adequately protective MCS at the LNG facility, and as a condition of granting an Environmental Restrictive Covenant (ERC) on the LNG facility, Citizens will demand excavation of lead-impacted soil, the details of which will need to be worked out with RM. Again, post-excavation confirmation sampling may be appropriate using relatively inexpensive XRF or other field analytical techniques, coupled with reasonable laboratory confirmation, acceptable to Citizens.

5. The On-Site Ditch

According to a June 8, 2006 letter from Advanced GeoServices to USEPA, sediment samples were collected in nine (9) locations for lead and arsenic analysis along a drainage ditch on the north and west sides of LNG facility. The results indicated that one sediment sampling

location (labeled CG-SED-1) in the northern portion of the LNG facility contained actionable concentrations of lead at 1,500 mg/kg. This sample was collected immediately west of a concrete swale that conveys surface water from the ditch along the railroad right-of-way to the LNG facility. The results of a Phase RFI conducted in 2002-2003 indicated that lead concentrations exceeding 1,000 mg/kg lead also exist along the drainage ditch at the south fence line of the LNG facility. Citizens requests that USEPA confirm in its Final Decision that all sediment existing within drainage ditches, whether on the LNG facility property or elsewhere, will be excavated to meet a 400 mg/kg lead remedial goal, and that a confirmatory sampling program will be required to ensure these levels have been achieved.

6. The Environmental Restrictive Covenant

Citizens is amenable to recording an Environmental Restrictive Covenant (ERC) on the LNG South property so long as RM and Citizens are able to reach an agreement on the issues raised above, and so long as RM agrees to, and EPA's Final Decision requires, at a minimum:

1. A Media Cleanup Standard (MCS) on Citizens' property that is protective of worker health and safety, acceptable to Citizens, and that allows for unrestricted future commercial/industrial use of the property;
2. Additional sampling in hot spot areas and an averaging scheme to evaluate these data approved by Citizens;
3. Removal of hot spot soils from the Citizens property; and
4. Development of appropriate storm water controls and sampling.

Assuming these issues are resolved, Citizens will record an ERC that prevents future residential use of the LNG facility. This is the only restriction Citizens is willing to accept as a result of this process.

Citizens appreciates the opportunity to make public comments and appreciates EPA's agreement to fully consider these comments before reaching its Final Decision in this matter. We appreciate EPA's consideration and acceptance of our original 21-day extension of the time within which Citizens could submit comments that was requested in our July 15, 2008 written request. This extension request was agreed upon via telephone and confirmed by your subsequent email dated August 6, 2008, extending our comment submission date to September 2, 2008. Based on our August 28, 2008 conference call with Mr. George Hamper and Mr. Jonathon Adenuga (USEPA 5 RCRA Section), an additional 7-day extension was granted for submission of these comments, with an associated submission date of no later than September 9, 2008. Citizens has acted in good faith to submit its comments during the periods approved by the US EPA and has fully relied on the US EPA's communications and agreement to extend the time for submission of these comments in developing and submitting these comments. If for whatever reason, EPA concludes that it will not fully accept these comments as part of the official administrative record in this matter, we ask that you contact us immediately so that we may take

appropriate action to protect our interests. Failure to fully consider these comments may be grounds for refusing to agree to record an ERC on our property.

If you have any questions or require clarification on any the comments provided herein, please do not hesitate to contact me via e-mail at amciver@citizensenergygroup.com or via telephone at (317) 927-4393.

Sincerely,



Ann W. McIver, QEP
Director, Environmental Stewardship
Citizens Energy Group



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VIA ELECTRONIC AND OVERNIGHT MAIL

August 8, 2008

Mr. Jonathan Adenuga
U. S. Environmental Protection Agency
77 West Jackson Boulevard, DE-9J
Chicago, Illinois 60604

**RE: Comments to Statement of Basis for Refined Metals Corporation Facility
Beech Grove, Indiana**

Dear Mr. Adenuga:

The Schneider Corporation (Schneider) has been authorized by the City of Beech Grove, Indiana to submit the following comments on its behalf in response the Statement of Basis for the above referenced facility:

COMMENT #1: The final constructed size and geographic location of the onsite containment cell proposed in Soil and Sediment Alternatives 3A and 3B will impact the future redevelopment viability of this site. The Refined Metals facility is situated within one of several formally designated redevelopment areas in Beech Grove; accordingly its future development potential is of high concern to the city. The Statement of Basis provides estimates of the volume of contaminated soil, sediments, and demolition debris that may be contained within the onsite cell. The city recognizes that this volume, and the final size of the cell, may differ from the volume and associated size of the cell that is ultimately determined in the CMI Workplan (Workplan).

Notwithstanding, the city asks for your consideration of the following requests:

1. Minimize the volume of contaminated media contained onsite (and thus the total size of the cell) to the extent possible considering that off-site disposal is a viable option (Alternative 4);
2. Locate the containment cell in a manner that maximizes the available remaining site acreage for development purposes and does not limit typical site design engineering options for future site ingress/egress, mass grading, stormwater control, and future rail service. Situating the containment cell along the northwest/west property boundary adjacent to the Citizens Gas & Coke Utility facility is one, if not the best, placement location that would maximize future reuse options;

3. Size the containment cell in a manner that does not detract from the visual aesthetics of the site pursuant to potential future redevelopment; a balance between vertical height and horizontal length of the cell is requested; and
4. Establish a perimeter, access point(s), and access control(s) for the onsite containment cell that is independent of the remaining site acreage and in a manner that does not limit the future redevelopment viability of the remainder site acreage.

COMMENT #2: The Refined Metals facility has been vacant, blighted, and in a state of significant disrepair for approximately thirteen years, irrespective of the environmental and general public safety threats the site has presented. As public comments are considered and incorporated into the development of the Workplan, the city requests that the Workplan process be expedited to the greatest extent possible so that implementation of corrective measures can commence.

COMMENT #3: The City of Beech Grove requests that it be designated henceforth as a corresponding party in the Workplan development process and implementation of corrective measures activities. As this facility is situated within the city's jurisdiction, it is appropriate that the city be apprised of the planned remedial measures, and the implementation of the same, once commenced. We request that a standard and a process for ongoing communication with the city be incorporated in the Workplan that notifies the city in a consistent and timely manner regarding remedial activities as they occur including, but not limited to: actions to control and monitor fugitive dust emissions, stormwater control measures, and the route(s) and schedule(s) of contaminated material transport from the site for offsite disposal.

Thank you in advance for your consideration of these comments and requests from the City of Beech Grove. If you have any questions or require further clarification on the foregoing, you may contact the undersigned or The Honorable Joe Wright, Mayor of the City of Beech Grove.

Sincerely,



W. Calvin Kelly
Director – Environmental Services and Brownfields Redevelopment
Phone – 317.826.7285
Email: ckelly@schneidercorp.com

cc: Mayor Joe Wright, City of Beech Grove
Brian Bosma, Esq., Kroger, Gardis & Regas



July 15, 2008

Via Facsimile and U.S. Mail

Mr. Jonathan Adenuga
U.S. Environmental Protection Agency
77 West Jackson Boulevard, DE-9J
Chicago, Illinois 60604

**RE: REQUEST FOR EXTENSION OF COMMENT PERIOD
Public Comment on the Statement of Basis for
Refined Metals Corporation, Beech Grove, Indiana**

Dear Mr. Adenuga,

Citizens Gas is in receipt of the notice of public comment related to the above-referenced environmental corrective action at the Refined Metals Corporation site in Beech Grove, Indiana. As an adjacent property owner, Citizens is impacted by decisions made in this process and appreciates the opportunity to provide input on those decisions.

In order to fully evaluate the underlying documents that are the foundation for the draft Statement of Basis, Citizens requests a twenty-one (21) day extension of the public comment period. Allowing for the Labor Day holiday, Citizens requests that the comments must be submitted no later than Tuesday, September 2, 2008, for consideration. I believe this request is consistent with discussions during our phone conversation this afternoon.

Citizens makes this request for an extension to provide an opportunity to digest the large record that supports the draft Statement of Basis, to provide an opportunity for a meeting with you and others at U.S. EPA Region V to discuss our questions in order to fully understand assumptions made during this process, and to provide an opportunity for Citizens to meet then with representatives of Refined Metals in order to resolve concerns raised by the draft Statement of Basis related to the Citizens Gas property. Citizens believes that the additional time to provide comments will expedite the processes related to this action in the future.

Please contact me at your earliest convenience to discuss this request. I can be reached via e-mail at amciver@cgcu.com or via phone at (317) 693-8851.

Sincerely,

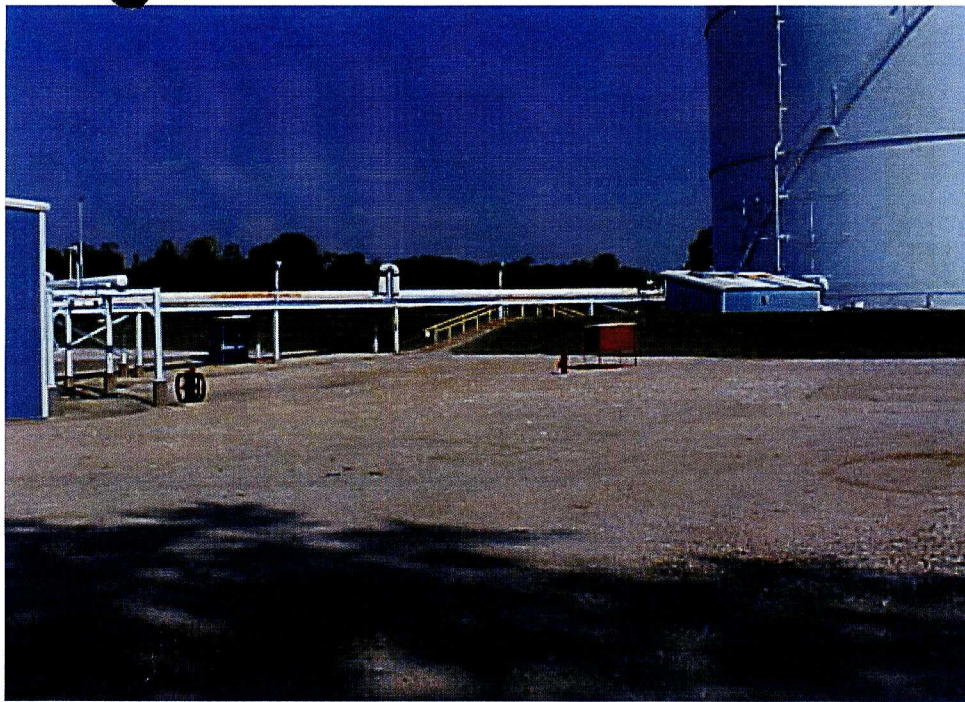
A handwritten signature in dark ink, appearing to read 'Ann W. McIver'.

Ann W. McIver, QEP
Director, Environmental Stewardship

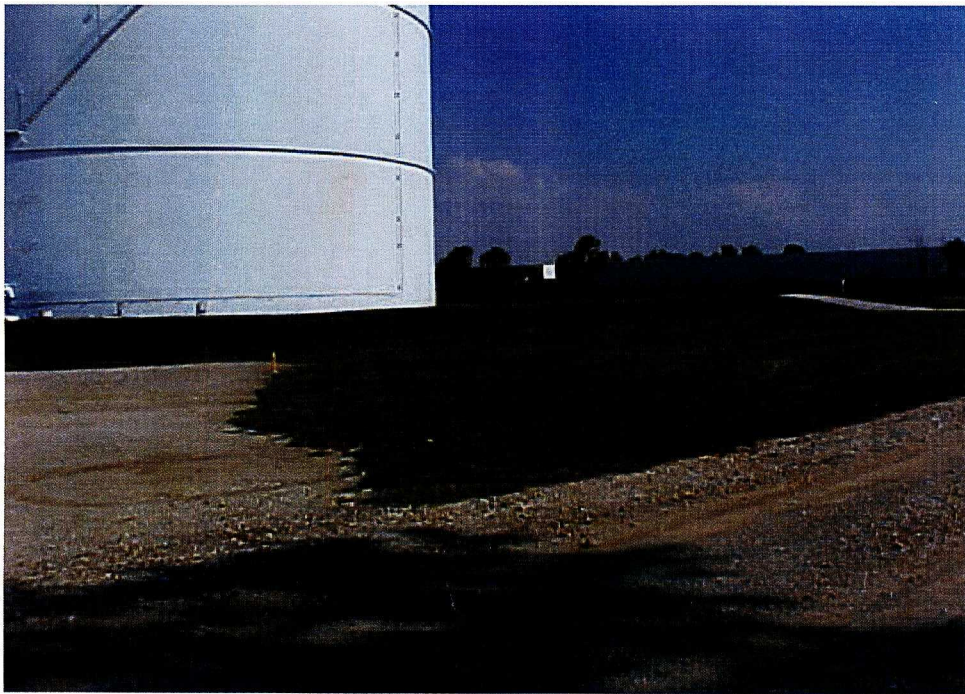
cc: Mr. Matt Love, Exide Technologies

Energy for your future. A tradition of trust.

2020 N. Meridian Street, Indianapolis, Indiana 46202



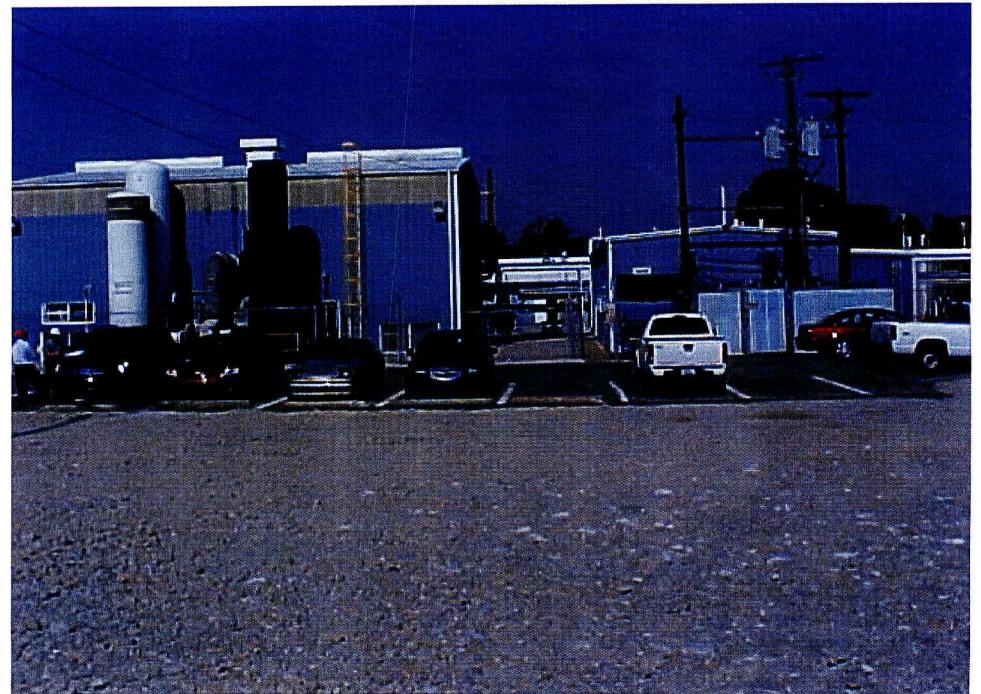
Rm FenceLine / Vegetation



LNG Holder showing
berm around tank



Citizens Gas LNG South
Photos taken 08/13/2008

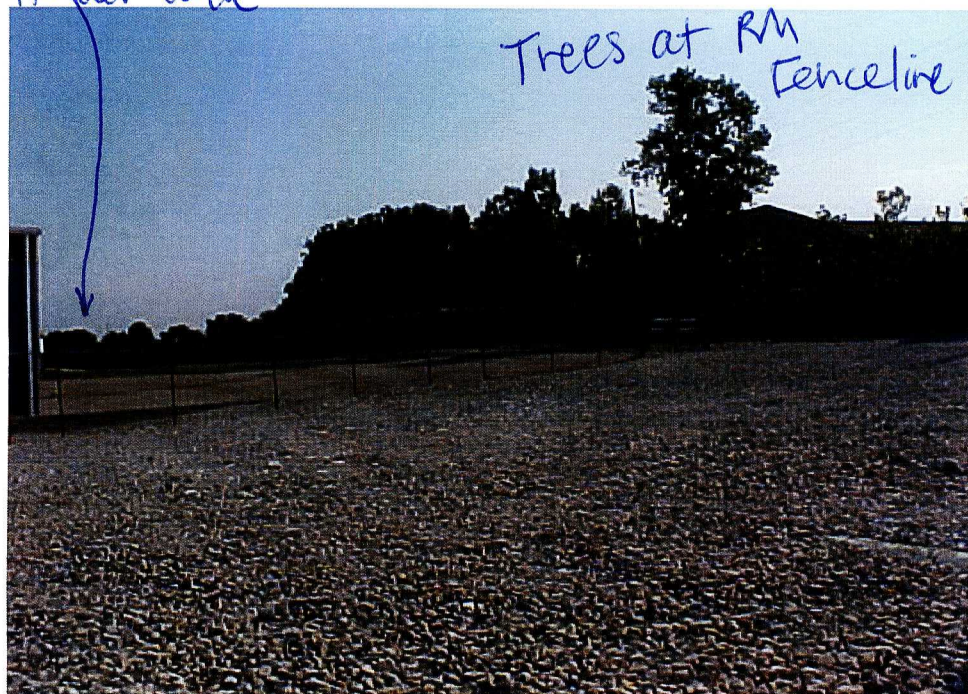


Looking from RN fence
toward CG operations area

LNG Holder



Holder area



Trees at RM
Fenceline



Operations Area

Main parking

Rm Fenceline

Refined Metals



Grassy area adjacent to LMS holder



Compressor Bldg

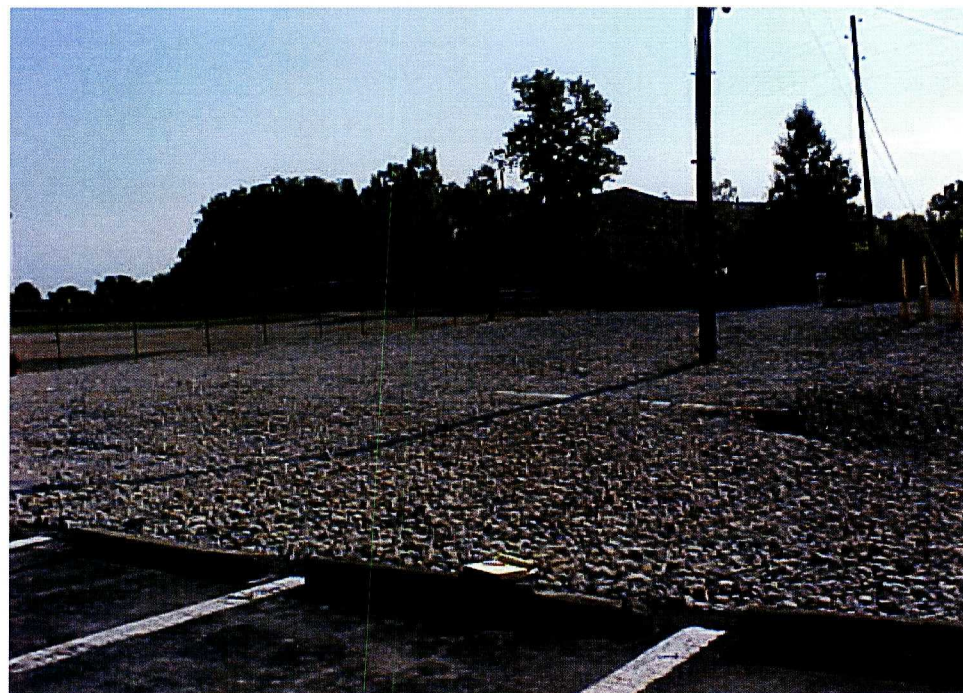
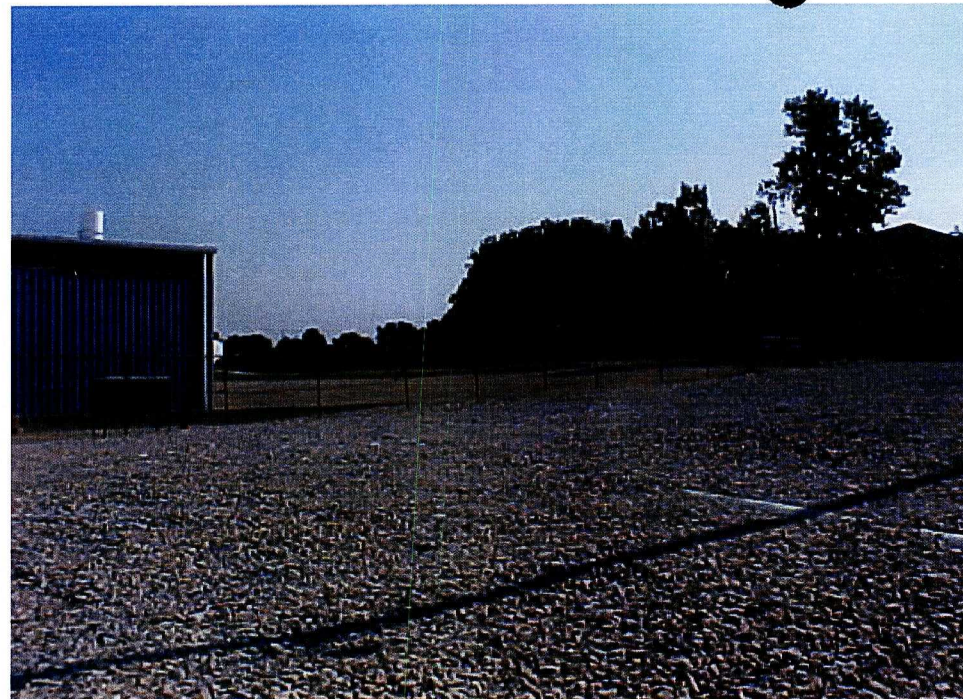
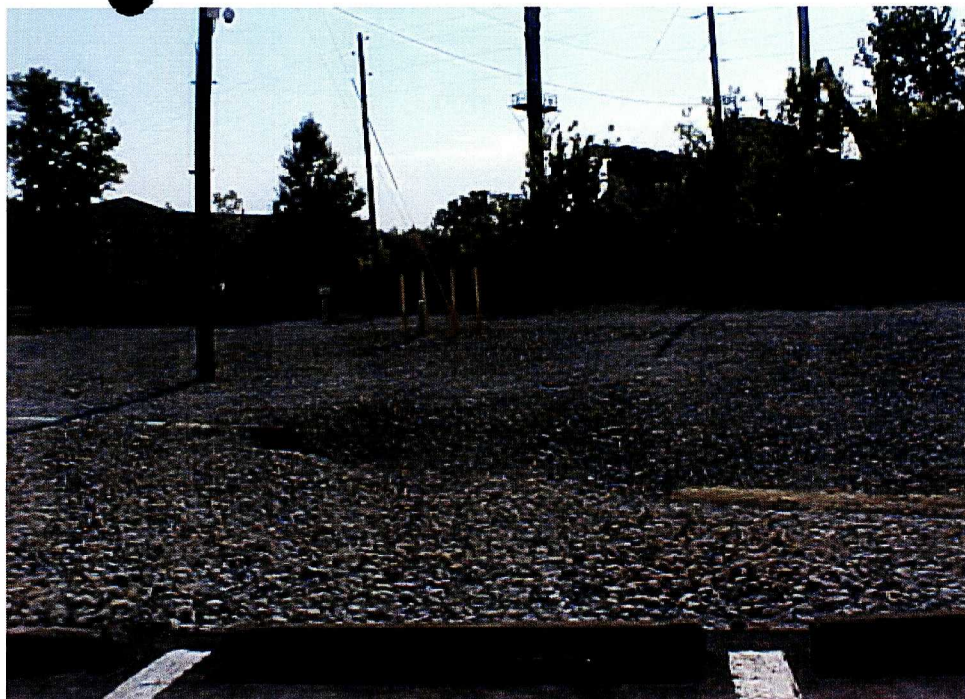


Main Plant buildings

Compressor Bldg



Main plant buildings



Trees @ RM Fence line



THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Invite
Public Comment
on the
STATEMENT OF BASIS for
REFINED METALS CORPORATION
BEECH GROVE, INDIANA**

The United States Environmental Protection Agency (U.S. EPA) is managing environmental corrective action at the Refined Metals Corporation facility, located in Beech Grove, Indiana. The corrective action is being performed by Refined Metals Corporation under the authority of the Resource Conservation and Recovery Act (RCRA). The Statement of Basis prepared by U.S. EPA provides a summary of Refined Metals Corporation's investigation of contamination at and from their facility, and a summary of Refined Metals Corporation's study of viable remedies. This Statement of Basis also specifies the remedy proposed by U.S. EPA to clean up contamination at and from the facility.

U.S. EPA is issuing this Statement of Basis as part of its public participation responsibilities under RCRA. The fact sheet summarizes information that can be found in greater detail in the RCRA Facility Investigation (RFI) and Corrective Measures Study (CMS) reports and other site related documents contained in the administrative record for this facility. These documents can be found in the information repository located at:

RCRA Branch (LR-8J)
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, Illinois 60604
Contact: Martha Y. Robinson (312) 886-6141 or
Toll Free Number 1-800-621-8431 Ext: 6-3781
Robinson.Martha@epa.gov

BEECH GROVE PUBLIC Library
1102 Main Street
Beech Grove, IN 46107
Phone: (317) 788-4203

You may also obtain more information on the Internet at:
<http://www.epa.gov/reg5rcra/wptdiv/permits/index.htm>

The public notice regarding the corrective action to be performed will appear in the Southside Times Newspaper – Legal Section on Thursday, June 26, 2008, and a radio announcement will run on WIBC Radio, between 6:00am and 10:00am on June 26, 2008. U.S. EPA will accept and consider public comments on the proposed plan from June 27, 2008 to August 11, 2008.

Written comments can be submitted to the U.S. EPA at the address listed below no later than August 11, 2008.

Written comments can be sent to:

Mr. Jonathan Adenuga
U.S. Environmental Protection Agency
77 West Jackson Boulevard, DE-9J
Chicago, Illinois 60604
call toll free (800) 621-8431
or directly (312) 886-7954

:60 ANNOUNCEMENT FOR JUNE 26, 2008

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IS ASKING FOR COMMENTS FROM THE PUBLIC ON THE MANAGEMENT OF AN ENVIRONMENTAL CORRECTIVE ACTION AT THE REFINED METALS CORPORATION LOCATED AT 370 SOUTH ARLINGTON AVE., IN BEECH GROVE, INDIANA.

YOU MAY REVIEW EPA'S ADMINISTRATIVE RECORD AT THE BEECH GROVE PUBLIC LIBRARY, AND COMMENT ON THE PLAN IN WRITING OR VIA E-MAIL BEFORE AUGUST 11, 2008. A PUBLIC NOTICE APPEARED TODAY IN THE LEGAL SECTION OF THE SOUTHSIDE TIME NEWSPAPER FOR QUESTION OR ADDITION INFORMATION, CALL MR. JONATHAN ADENUGA AT (312) 886-7954 OR MS. MARTHA ROBINSON AT (312) 886-6141 OR OUR TOLL FREE NUMBER 800-621-8431, ALSO YOU CAN VISIT THE EPA WEB SITE.

Public Notice

Public Notice

Public Notice

Public Notice

Employment

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Public Comment
on the

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call toll free (800) 621-8431
or directly (312) 886-7954

002 Public
Announcement

LARGE INVENTORY of household items to be Auctioned at Christy's of Indiana, 6851 Madison, Ave. Indianapolis, 9 am Wednesday July 2.

DRIVER T
NEEDED

Drivers
hired
trained
for W
Enterpri
Exp. N

1-800-5

Tax Prepare

South side accounting firm is looking for a tax preparer to work from February 1, 2009. If you have experience with personal income tax we will train on our procedures and update for current year regulations. Interview to be discussed at time of interview. Please bring resume or letter stating experience. Hardesty Smith and Co. 5240 E. Avenue Indianapolis, IN 46203. 787-3082, e-mail to katie@khsc



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OrthoIndy offers the most technologically advanced orthopaedic care in the Midwest, the finest orthopaedic surgeons, and your career path is leading up to OrthoIndy.



- Support physiatry physician in evaluating acute and chronic musculoskeletal problems
- Support orthopaedic surgeon in clinic and surgery
- Must be willing to assist physician in all aspects of patient care to ensure clinic and surgery run efficiently and effectively to create a positive patient experience

Employment

Employment

Employment



Public Notice

Public Notice

Public Notice

Public Notice

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002 Public Announcement

LARGE INVENTORY
household items to be
Auctioned at Christy's
Indiana, 6851 Madison
Ave. Indianapolis, 9 am
Wednesday July 2.

Tax P

South side accounti
preparer to work from
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update for current y
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Hardestry Smith an
Avenue Indianapo
787-3082, e-mail t

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Employment

Employment

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Midwest, the finest orthopa
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- Support physiatry physic
- acute and chronic muscu
- Support orthopaedic sur
- Must be willing to assist i
- patient care to ensure cli
- run efficiently and effecti

PROOF OF PUBLICATION

State of Indiana)
)ss
County of Marion)

Mary Klotz, being duly sworn on oath,
says that she is Advertising Rep. of
The Southside Times, a public newspaper of
general circulation, published in the town of
Beech Grove, in said county and state: that the
notice, of which the annexed is a true copy,
was published in regular edition of said paper,
issued upon the following date, to wit:

June 26, 2008

Subscribed and sworn to before me on

Katherine Wood
Notary Public or Clerk

My commission expires: 11-13-2013

Publication Fee: \$192.23

Form Proscribed by State Board of Accounts
RQAW CORPORATION
(Government Unit)
Marion County, Indiana

General Form No. 99P (Rev. 1995)
To: SOUTHSIDE TIMES
C/O 301 Main Street
Beech Grove IN 46107

PUBLISHER'S CLAIM

AFFIDAVIT OF PUBLICATION

I hereby certify that the Notice entitled "Public Comment on the Statement of Basis for Refined Metals Corporation, Beech Grove, Indiana," was published one time, as prescribed by law, in the Southside Times, a newspaper in the City of Beech Grove, County of Marion, Indiana, on the following date :

1. June 26, 2008

I further certify that copy of the said Notice, and the publisher's affidavit regarding same, are hereto attached and made a part of this return.

I further certify that the newspaper aforesaid met all legal requirements applicable to such publication.

Mary F. Klotz
Signature

Mary F. Klotz
Print your name

Advertising Representative
Official Title

301 Main St.
Mailing Address

Beech Grove, In 46107
Town, State and Zip Code

317-787-3291
Telephone number, with area code